POSTS AND TELEGRAPHS

COMPILATION

of the

FUNDAMENTAL RULES

made by

The Secretary of State in Council under Section 96 B of the Government of India Act, including Orders, etc., issued by the Secretary of State, Government of India, Auditor General, etc.,

and the

SUPPLEMENTARY RULES

made by

The Governor General in Council, including Orders, etc., issued by the Government of India, Auditor General, etc.

VOLUME I.

Corrected up to the 31st July 1935.

SECOND EDITION (Revised).



Issued by the Accountant General, Posts and Telegraphs.

PUBLISHED BY MANAGER OF PUBLICATIONS, DELHI.
PRINTED BY THE MANAGER GOVERNMENT OF INDIA PRESS, NEW DELHI
1936

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PREFACE TO THE FIRST EDITION.

This volume contains the Fundamental Rules made by the Secretary of State under Section 96B of the Gov*ernment of India Act and the Supplementary* Rules made by the Governor General in Council in exercise of the powers conferred upon him by the Fundamental Rules. The orders, interpretations and audit instructions issued by the Secretary of State, the Governor General in Council and the Auditor General respectively have been reproduced below the rules concerned. The audit deci*sions issued by the Auditor General and the Accountant* General, Posts and Telegraphs, and the instructions issued by the Director General of Posts and Telegraphs in his circulars in exercise of his powers as "competent authority" have also been reproduced below the relevant rules. These decisions or rulings are produced in this volume in order that the rules may be correctly interpreted and applied; they are not to be regarded as authorising the grant of concessions or emoluments which may require the administrative sanction of Government or of a subordinate authority.

2. Although the volume is primarily intended for officers of the Posts and Telegraphs Department, an attempt has been made to make it as complete as possible by *incorporating all important orders* and decisions including those which do not directly affect the Posts and Telegraphs Department. It is hoped that with the aid of this compilation the rules will be better understood *and that a considerable reduction in correspondence will* result. In referring to decisions, etc., incorporated in this volume the quotation should be made as indicated below:—

> "Government of India's decision (4) below Fundamental Rule 45 in the Posts and Telegraphs Compilation of Fundamental and Supplementary Rules."

3. It is requested that any errors or omissions which may be found in this volume may be brought to the notice of the Accountant General.

A. C. BADENOCH,
Accountant General,
Posts and Telegraphs.

CALCUTTA;

Dated the 21st September 1926.

PREFACE TO THE SECOND EDITION.

This edition brings the Compilation up to date, with corrections issued up to 31st August 1930, having been incorporated in it The orders, decisions, etc, which have been rendered obsolete by the revision of the rules themselves have been either deleted or transferred to a more suitable place

Wherever the principles involved have not been affected by the revision of the rules the decisions, etc, under the old rules have been retained under the revised rules and the relevant (clauses of the) new rules have been shown in parenthesis against the references to old rules contained in those decisions etc Opportunity has also been taken to show in parenthesis for the sake of convenience, the relevant rule (or appendix) in a code against orders or resolutions quoted in decisions, etc, which may have since been codified The references quoted under the Audit Instructions have been brought up to date Important audit rulings have also been incorporated in this edition A new Appendix embodying the Civil Services (Classification, Control and Appeal) Rules has been inserted

The Accountant General's recent decisions have been omitted from this compilation, as they cannot be considered to be sufficiently authoritative for a compilation of this character The old decisions, however, which have stood the test of time have been retained

It is requested that any errors or omissions which may be found in this volume may be brought to the notice of the Accountant General, Posts and Telegraphs

JAGAT PRASAD,

Accountant General,
Posts and Telegraphs.

DELHI,

The 17th January 1931

PREFACE TO THE SECOND EDITION (REVISED).

This edition again brings the Compilation up to date It incorporates all corrections issued to the second edition up to the 31st July 1935

For the sake of convenience, it has been divided into two volumes—Volume I containing the Civil Services (Classification, Control and Appeal) Rules, the Fundamental Rules and the Supplementary Rules made by the Governor General in Council, and Volume II containing the Appendices and Forms

The opportunity has also been taken to recast the book in a more legal and convenient sequence The Civil Services (Classification, Control and Appeal) Rules have been brought into the body of the book as the opening Section of the first volume, and the Fundamental Rules have been reprinted in two sets The first set gives them in the form applicable to members of services under the rule making control of the Secretary of State in Council and the second set in the form applicable to members of services under the rule making control of the Governor General in Council

There are some verbal differences in the two sets of the rules (*e g* , F R 's 19 and 69) and the number of these will probably increase as divergent amendments are made by one authority or the other The object of printing the rules in the two sets is to facilitate reference and subsequent corrections

No attempt has been made to revise any of the rules in order to eliminate any verbal inconsistencies they may at present contain as the legal offspring of the Civil Services (Classification, Control and Appeal) Rules They have merely been reproduced as they stand

An attempt has been made to indicate briefly in footnotes the history or date of effect of all changes in the rules since the Second Edition

The orders and decisions, etc , of various authorities under the Fundamental Rules have been reproduced in the main under the second set of Fundamental Rules, in Section III, applicable to the Governor General in Council's services Some few of them, however, which could be readily distinguished as being solely applicable to the Secretary of State's services have been taken to Section II Some have been omitted as obsolete, and some others have been re paraphrased to suit changes in the rules to which they refer The Accountant General's decisions have been finally omitted in view of the extra departmental clientèle which the Compilation is now serving

To reduce the growing size of the work, the following portions of it have been omitted in view of their merely local or specialised interest —

(*a*) S R s 317A to 317P VI
(*b*) Appendices 1, 2 and 12

Appendix 5A has been taken under F R 17 in Section III and the gap has been utilised to accommodate the Re employed Personnel (Conditions of Service) Rules, 1932, for the better understanding of F R 22A

Readers are advised to retain the Second Edition of the Compilation for reference

The undersigned would be grateful if errors or omissions could be brought to his notice

B NEHRU,
Accountant General,
Posts and Telegraphs

NEW DELHI
The 11th December 1935

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SECTION I.

THE CIVIL SERVICES (CLASSIFICATION, CONTROL AND APPEAL) RULES.

SECTION I.

THE CIVIL SERVICES (CLASSIFICATION, CONTROL AND APPEAL) RULES[1].

Made by the Secretary of State for India in Council under Section 96 B (2) of the Government of India Act on the 27th May 1930

Part I.- General.

C S (C C A) R 1 (1) These rules may be called the Civil Services (Classification, Control and Appeal) Rules

(2) The Civil Services (Governors' Provinces) Classification Rules and the Civil Services (Governors' Provinces) Delegation Rules, 1926 are hereby cancelled

Audit Instruction—The Government of India have, with the concurrence of the Secretary of State in Council decided that powers derived from a delegation under Section 96 B of the Government of India Act cannot be exercised by the recipient of the delegated powers with effect from a date earlier than the delegation which date, in the present case is the 27th May 1930

[Para 1, Sec VIII A Manual of Audit Instructions (1926)]

C. S. (C. C. A.) R. 2 For the purposes of these rules, unless there is anything repugnant in the subject or context,—

(*a*) "Government" means the Governor-General in Council or a Local Government as the circumstances require.

(*b*) Where a member of a service is referred to as appointed by an authority the reference is subject to the provisions of rule 22 to the authority which appointed him to the service of which he is for the time being a member:

Provided that a member of a service who prior to his appointment to such service was appointed to the service of the Crown in India by an authority higher than the authority which appointed him to such service shall, if the higher authority so directs, be deemed for the purposes of these rules to have been appointed by the higher authority

C. S (C C A) R 3 These rules shall apply to every person in the whole time civil employment of a Government in India (other than a person so employed only occasionally or subject to discharge at less than one month's notice) except—

(*a*) persons for whose appointment and conditions of employment special provision is made by or under any law for the time being in force;

[1]Published in Part I of the *Gazette of India* of the 21st June 1930 with the Home Department Notification No F 9/3/30 Estabts, dated the 19th June 1930

(b) (i) Railway servants as defined in section 3 of the Indian Railway Act, 1890;

(ii) persons holding posts in the Railway Board who are subject to the Railway Services (Classification, Control and Appeal) Rules, and

(iii) other persons holding posts under the administrative control of the Railway Board or of Financial Commissioner of Railways,

[1](c) persons in respect of whose conditions of service, pay and allowances, *pension, discipline and conduct, or any of* them, special provision has been made by agreement entered into before these rules were made or entered into thereafter in pursuance of the provisions of rule 46:

Provided that in respect of any matter not covered by the provisions special to him, his service or his post, these rules shall apply *to any person coming within the scope of exceptions* (a) *or* (c) *above* to whom but for those exceptions the rules would otherwise apply

Provided also that these rules shall apply to any person temporarily transferred to a service or post coming within exception (b) to whom, but for such transfer, these rules would otherwise apply.

Secretary of State's Direction—1 With reference to Rules 3 and 4 of the Rules in this Section the Secretary of State in Council has been pleased to direct that the Governor General in Council or a local Government as the case may be (hereinafter called the Government) shall in respect of recruitment, conditions of service, pay allowances discipline, conduct and pensions have full power of control (including power of delegating control to subordinate *authorities) over*—

(i) persons in part time civil employment

(ii) persons in civil employment employed only occasionally or subject to discharge at less than one month's notice,

and over persons excluded from the scope of the said Rules by an order under Rule 4 of those Rules to the extent of such exclusion

Provided that

(a) this Direction shall not empower the Government to affect to the disadvantage of any such person in any respect the conditions of service applicable to him on 20th May, 1930, unless the Government had power so to affect them on 8th March, 1926 or unless such person gives his consent,

(b) in respect of the pay of any such person the restrictions on the financial powers of the Government imposed by Rule 10 of the said Rules shall be observed,

[1] This revised clause has effect from 1st November 1932.

(c) no order of removal or dismissal shall be passed on a person excluded under Rule 4 of the said Rules from the operation of Rule 55 of those Rules (other than an order based on facts which have led to his conviction in a criminal court) unless he has been informed in writing of the order which it is proposed to pass and of the grounds on which it is proposed to pass it, and has been afforded a reasonable opportunity of making any representation that he may desire to make and such representation, if any, has been taken into consideration before the order is passed.

This proviso shall not apply where the person concerned has absconded or where it is for other reasons impracticable to communicate with him. Any of its requirements may, for sufficient reasons to be recorded in writing, be waived where there is difficulty in observing the requirement and the requirement can be waived without injustice to the person concerned.

(d) if the Government has, whether under the said Rules or under this Direction, delegated to an authority subordinate to it power to impose a penalty upon a person excluded under Rule 4 of the said Rules from the operation of any of the said Rules which confers a right of appeal from an order of punishment, such person shall have the right of at least one appeal to a higher authority from an order imposing such penalty.

2. Nothing in this Direction shall apply to railway servants as defined in Section 3 of the Indian Railways Act, 1890, or to other persons holding posts under the administrative control of the Railway Board or of the Financial Commissioner of Railways.

[The terms 'local Government' and 'Government' used in this Direction include a Chief Commissioner.]

[G. I., H. D. letter No. F. 9/3/30 Ests., dated the 6th May 1931.]

Government of India's decision.—In exercise of the powers conferred by the Direction which the Secretary of State for India in Council has issued in connection with rules 3 and 4 of the Civil Services (Classification, Control and Appeal) Rules the Governor General in Council is pleased to direct that all rules and orders in existence on the 26th May 1930 regulating the recruitment, conditions of service, pay, allowances, discipline, conduct and pensions of personnel wholly excluded from the scope of the Classification Rules by or under rules 3 and 4 (1) of those Rules including any rules and orders defining the powers of authorities subordinate to the Governor General in Council in such matters shall remain in operation except in so far as they may be specifically cancelled or modified by the competent authority, provided that amendments made from time to time by the Governor General in Council

such rules or orders as are also applicable to persons governed by the Classification Rules and rules made thereunder shall *mutatis mutandis* apply to the personnel mentioned above

[G I, H D, Office Memo No F 9/9/35 Ests, dated 30th April 1935, received with G. I, F D, endstt No D 1948 Ex 1/35, dated 16th May 1935]

Audit Instruction.—The Bodyguard establishment of a Governor being part of the Indian Army and subject to the Indian Army Act of 1911, the members thereof are in military service and not in the civil service of the Crown in India within the meaning of Section 96 B of the Government of India Act and the Civil Services (Classification, Control and Appeal) Rules are therefore inapplicable to them

[Para 2, Sec VIII A, Manual of Audit Instructions (1926)]

C S (C C A) R 4. Notwithstanding the provisions of the foregoing rule, the Government may by notification published in the *Gazette of India* or the local official Gazette —(1) Exclude wholly or in part from the operation of these rules any [1][ministerial or petty officer or inferior servant, or any class of such officers or servants to whom] the Government shall declare that the rules cannot suitably be applied, and these rules shall thereupon, to the extent of such exclusion, cease to apply accordingly (2) declare in respect of any person or group of persons that these rules shall not apply in whole or in part to such person or group and these rules shall thereupon cease to apply accordingly:

Provided that no declaration under sub-rule (2) of this rule shall be made in respect of any person who—

(*a*) holds a pensionable post, or

(*b*) holds a permanent whole-time post; or

(*c*) was appointed by the Secretary of State in Council or the Governor-General in Council, save by or with the sanction of the appointing authority

C. S. (C. C. A.) R. 5. If any doubt arises—

(*a*) as to whether these rules apply to any person, the matter shall be referred to the authority which appointed him;

(*b*) as to whether any person to whom these rules apply belongs to a particular service, the matter shall be referred to the controlling authority of that service,

(*c*) as to which of two or more services is the service to which a person to whom these rules apply belongs, the matter shall be referred to the highest authority among the controlling authorities of the services concerned,

and, in each case, the decision of the authority to whom the matter is referred shall be final.

[1][ ] This amended phrase takes effect from 1st November 1932.

C. S. (C. C. A.) R. 6. The decision of the Secretary of State in Council shall be final on any question whether any rule, purporting to be made in exercise of the powers conferred by these rules, was validly made or contravenes any of the provisions of these rules and the authority by which the rule was made shall give effect to any orders which may be passed by the Secretary of State in Council thereon.

C. S. (C. C. A.) R. 7. Where by these rules power is delegated to, or conferred upon, any authority to make rules regulating the classification, the methods of recruitment, the conditions of service, the pay, allowances and pensions, or the discipline and conduct of any class of the Civil Services specified in Rule 14, the rules, notifications, and orders, by whatsoever authority made, regulating these matters in respect of that class which were in operation on the date these rules were made shall remain in operation except in so far as they may be inconsistent with these rules or may be specifically cancelled or modified in exercise of the aforesaid power by the authority to which it is delegated.

C. S. (C. C. A.) R. 8. Nothing in these rules or in any rule made thereunder shall operate to deprive any person of any right or privilege to which he is entitled—

(a) by or under any law, or

(b) by the terms of any contract or agreement subsisting between such person and Government on the date these rules came into force.

C. S. (C. C. A.) R. 9 (1) Subject to the provisions of Rule 8, nothing in any rule made under these rules shall operate to affect to the disadvantage of any person to whom these rules apply, the conditions of service in respect of pay, allowances, pensions or any other matter which are applicable to him—

(a) on the date these rules came into force, or

(b) by virtue of any order or rule made by the Secretary of State in Council,

unless—

(i) the rule has been made with the previous sanction of the Secretary of State in Council, or

(ii) the authority which made the rule had power on the 8th day of March 1926 to make it, or

(iii) such person gives his consent.

(2) For the purpose of this rule, a person who was holding a post on the aforesaid date, in an officiating or provisionally substantive capacity, and has been subsequently confirmed in such post without having reverted therefrom, shall be deemed to have been holding that post on that date.

Government of India's decision.—A question was raised whether the action of a Local Government in restricting by executive order, the leave salary of an officer protected by Rule 9 of the Civil Services (Classification, Control and Appeal) Rules during leave on half average pay out of India to actual half average pay instead of the

minimum of £25 admissible to him under F R 90, even with the officer's consent, was *ultra vires*. It was held that the order was *ultra vires* of F R 90 and the following analysis of the case was given by the Auditor General with the agreement of the Government of India —

Rules 9 and 46 of the Civil Services (Classification, Control and Appeal) Rules each has its own special purpose Rule 9 provides definitely for deliberalisation of existing rules governing conditions of service and there cannot be deliberalisation of service conditions laid down in rules except by action under Rule 9

Rule 46 provides for —

(*i*) additional concessions to members of a service not incorporated in statutory rules (*vide* the running commentary in Appendix 3 A) This purpose of the Rule is not apparent from the wording of the Rule itself

(*ii*) Regulation of conditions of service *ab initio* of holders of special posts, or even of members of general services who discharge particular functions

Agreement under Rule 46 should be a formal agreement executed either at the beginning of a contract period of service or when conditions are being laid down with regard to the performance of specific duties

The scope of the two rules being as explained above, Rule 46 cannot be applied to deprive members of services of concessions they enjoy by Rule owing to their being on the cadre of a service As deliberalisation is specially provided for by Rule 9, Rule 46 is clearly not intended to be another medium of deliberalisation

If the provisions of the Civil Services (Classification, Control and Appeal) Rules are considered in relation to the facts of the present case it is clear that the Local Government's executive order was *ultra vires* of Fundamental Rule 90 as adopted by themselves for persons subject to their rule making powers Such persons cannot be deprived of the benefit of the minimum leave salaries prescribed in Fundamental Rule 90 save through the medium of a Rule made by the Local Government under the power delegated in the Classification Rules and if such a Rule were made it would not apply to a person within the protection conferred by sub-rule (1) of Rule 9 of the Classification Rules unless the Rule were made with the previous sanction of the Secretary of State in Council or the person gave his consent to the application of the Rule to himself, which he presumably would not do unless he were subjected to some form of unjustifiable pressure

Rule 46 of the Classification Rules has no application to the facts of the case In the first place there appears to be no suggestion that the Local Government purported to provide by agreement with the persons concerned that they should not enjoy the benefit of the minimum leave salaries prescribed in Fundamental Rule 90, and, in the second place, the circumstances were not such as to bring Rule 46 into operation

[Ar G's letter No 44 A /199-34, dated the 26th February 1935]

GoI of India's decision ———

C. S. (C. C. A.) R. 10. Nothing in these rules or in any rule made under them shall be construed as authorising a Government otherwise than with the previous sanction of the Secretary of State in Council—

(1) to create a permanent post on a maximum rate of pay exceeding Rs 3,000 a month or to increase the maxi-

No. 28.

Page 7, Section I, C. S. (C C A.) R 10—

Add the following at the end of this rule —

No. 248.

Page 7, Section I, C S (C C A) Rule 12—

Insert the following as Auditor General's decision below this rule —

"*Auditor General's decision* —Section 241 (5) of the Government of India Act, 1935, takes the place of Section 96 B (5) of the old Government of India Act Rule 12 of the Civil Service (Classification, Control and Appeal) Rules was framed under sub section (2) of Section 96 B of the old Act but with reference to the provision in sub section (5) of that section As Section 96 B (5) of the old Act has been superseded by Section 241 (5) of the Government of [illegible]

[illegible] Rules is no more operative, being [illegible] the Government of India Act, 1935. The provision in Section 241 (5) of the Act therefore holds the field after 31st March 1937 "

This view has the concurrence of the Government of India

[Ar Genl.'s letter No T 1329 A/178 37, dated the 12th October 1937]

(No 248, dated the 27th November 1937)

relax any of the provisions of the Subsidiary Rules framed under the Fundamental Rules in the case of an officer of any of the Secretary of State's Services, and under rule 12 of the Civil Services (Classification, Control and Appeal) Rules it can relax any of the provisions of the Subsidiary Rules framed under the Fundamental Rules as well as of the Fundamental Rules themselves in the case of a member of any of its own services Rule 12 of the Civil Services (Classification, Control and Appeal) Rules prohibits generally an exception to a rule which has been issued categorically, that is to say, prohibits an exemption not provided for in that rule itself It does not prohibit the framing of a rule providing that exemptions from its applications may be granted by specific authorities in the exercise of their discretion Such rules should be as few as possible and the discretion should be subjected to as many limitations as the circumstances permit and the discretion should be confined to Government in all except minor matters

[Ar G's Endt No 173-A/68-33, dated 11th November 1933.]

shall operate to deprive him without his consent of any right or privilege to which he may have been entitled as a member of his former service; and [1][save as aforesaid] a member of an All-India Service appointed to a service or post included in another class shall not, by reason only of such appointment, cease to be a member of an All-India Service.

Part III —All-India Services.

C. S (C. C A) R 23 Save as provided by sections 99 and 100 of the Government of India Act, all first appointments to an All-India Service shall be made by the Secretary of State in Council, and the rules *regulating recruitment to the All-India Services* shall be made by the Secretary of State in Council.

[2]Provided that the Governor General in Council or the Local Government of a Governor's Province may appoint an officer holding the King's Commission in the Indian Army to any post included in the Indian General Service.

C S (C C A) R 24 The strength including both the number and character of posts, of every All-India Serv[illegible] by the Secretary of State in Coun[illegible] rules made in this beh[illegible]

Provi[illegible] Governor [illegible] temporar[illegible] performan[illegible] [illegible] proviso

[3]Provi[illegible] which a [illegible] of a post [illegible] the tempo[illegible] [illegible]ious sanction o[illegible]

Secret[illegible]e Secretary of State in Council has held [illegible] e of the duties of a post borne on the cadre of an All India Service by an officer of that service in addition to his other duties is tantamount to leaving the former post unfilled within the meaning of C S (C C A) R 24

[G I, H D, letter No F 36/35 Ests, dated 15th June 1935]

Audit Instruction —It has been decided by the Government of India with the concurrence of the Secretary of State in Council, that the powers delegated to Local Governments under the Civil Services (Classification, Control and Appeal) Rules do not include the power to convert "inferior" posts borne on the cadres of Services under the control of the Secretary of State in Council into "Superior" posts or *vice versa*, as such conversion falls within the mischief of rule 24 of the Rules *ibid* in so far as it relates to the "character" of the posts

[Para 5 Sec VIII A, Manual of Audit Instructions (1926)]

[1][ ] Inserted with effect from the 28th May 1935
[2]This proviso has effect from the 4th June 1935
[3]This proviso has effect from the 14th May 1935

[1]C S (C C A) R 24 A The Governor General in Council or the Local Government of a Governor's Province may make changes in the duties of a post borne on the cadre of an All India Service, subject to the following conditions, namely —

(1) If, in the opinion of the Governor-General in Council or of the Local Government, as the case may be the changes which it is proposed to make are not material changes, they may be made without previous reference to the Secretary of State in Council but shall within six months of their being made be reported to the Secretary of State in Council who, if in his opinion the changes were material, may require the changes to be cancelled or to be modified in such manner as he may direct,

(2) If, in the opinion of the Governor-General in Council or of the Local Government, as the case may be the changes which it is proposed to make are material changes they shall not be made save with the previous sanction of the Secretary of State in Council who may either sanction the proposed changes or refuse to sanction them or sanction them subject to such modifications as he may think fit to impose,

Provided that a report need not be made regarding, nor shall the previous sanction of the Secretary of State ...

No 157.

Page 11, Section I, C S (C C A) R 24 A —

Insert the following as "Auditor's General's decision" below this Rule —

"*Auditor General's decision*" —The application of rule 24 A of the Civil Services (Classification, Control and Appeal) Rules is neither possible in Audit nor within the purview of Audit, as the rule has no direct financial effect

[Ar Genl's letter No 334 A/223 36, dated the 13th October 1936]

(No 157, dated the 27th November 1936)

... Government, as the case may be, shall proceed to fill it.

See 2of 377

No. 377.

Page 11, Section I, Civil Services (Classification, Control and Appeal) Rule 25—

Insert the following as Government of India's decision below this rule —

"Government of India's decision —On the formulation of the complete set of Reserved Posts Rules under Section 246 of the Government of India Act, 1935 rules 26, 27 and 28 of the Civil Services (Classification Control and Appeal) Rules have ceased to be operative"

[Auditor General's letter No 169 A /21538 dated the 23rd March 1939]

(No 377, dated the 1st May 1939)

[1] This rule has effect from 14th August 1934

When a post, though not filled by a member of the Service on the cadre of which it is borne is held by an officer other than a member of that service, the case falls under Rule 27 read with Rule 17 of the Superior Civil Services Rules (or other rules or orders issued by the Secretary of State in Council in this behalf).

[Para 4, Sec VIII A, Manual of Audit Instructions (1926)]

(2) *Interpretation of the term 'unfilled' with reference to a combination of appointments* —A post is to be considered as 'unfilled' when arrangements are such as to permit of a cadre being reduced ... in consequence of the arrange-

No. 52.

Page 12, Section I, C. S. (C. C. A.) R. 25—

Insert the following " Auditor General's decision " under this rule :—

" *Auditor General's decision* —It has been decided by the Auditor General in consultation with the Government of India that the *bona fide* temporary holding of a post in abeyance is not in contravention of a rule requiring the previous sanction of the Secretary of State to the abolition of a post or alteration of a cadre, and does not involve the exercise of a rule making power for the service to which the post belongs. It has also been held that rule 25 of the C S. (C C A.) Rules is restrictive and not permissive and that *in the absence of a corresponding restrictive* rule in the case of central services, the Governor General in Council, or the Local Government where the post is under their administrative control, have full power to leave posts in those services in abeyance, *provided* that the period of abeyance is not so long as to involve a fraud on the rule setting up the cadre "

[Ar. G.'s letter No. T.-1441-A/201-35, dated 12th October 1935.]

[No 52, dated the 18th March 1936]

or is already substantively holding a post borne on the cadre of ... served for a member of such Service.

[1]C S (C. C A) R. 28 Notwithstanding anything in Rule 27 of these rules or in Rule VII of the Civil Services (Governor's Provinces) Classification Rules the previous sanction of the Secretary of State in Council to the appointment of a person who is not a member of the Indian Service of Engineers to a divisional post in the Public Works Department of Madras, Bombay, [2][Bihar and Orissa] and Assam or in the Irrigation Branches of that Department in Bengal, the United Provinces, the Punjab, Burma [* * *][3] and the Central Provinces, shall not be required, unless the total number of such posts in the province or branch concerned is less than the number of officers of that service who hold the rank of Executive Engineer, but excluding from the former number any extra departmental posts which are not actually in operation and from the latter any officers who are unavailable owing to their being on leave or deputation or to their officiating in higher appointments.

see Sl. 379

[1]This rule has effect from 22nd December 1920

[2][ ] Inserted with effect from 1st April 1933

[3][ ] Deleted with effect from 1st April 1933.

Part IV.—Central Services, Class I.

C. S. (C. C. A.) R. 29 All first appointments to the Indian Ecclesiastical Department shall be made by the Secretary of State in Council.

The Governor General in Council may appoint a member of the Indian Civil Service or an officer holding the King's Commission in the Indian Army, or, for special reasons and with the prior approval of the Secretary of State in Council, a member of any other All-India Service to the Indian Political Department.

Provided that all other first appointments to the Indian Political Department shall be made by the Secretary of State in Council

C S. (C C A) R 30. Save as provided by Rule 29, all first appointments to the Central Services, Class I, shall be made by the Governor-General in Council

C S (C C A) R 31 (1) Rules regulating the methods of recruitment to the Indian Ecclesiastical Establishment and the Indian Political Department [1][* * *] shall be made by the Secretary of State in Council

(2) Save as provided in sub-rule (1), the power to make rules regulating the methods of recruitment to the Central Services, Class I, is hereby delegated to the Governor-General in Council.

[2]C S (C C A) R 32 (1) The strength, including both the number and character of posts, of the Indian Ecclesiastical Establishment and the Indian Political Department shall be determined by the Secretary of State in Council, or in accordance with any rules made in this behalf by the Secretary of State in Council:

Provided that, subject to the limitations specified in Rule 10, the Governor-General in Council may make temporary additions to the cadres of the Indian Ecclesiastical Establishment or the Indian Political Department for the performance of any duties of a temporary character.

(2) Save as provided in sub-rule (1). the power to make rule to determine the strength including both the number and character of posts, of the Central Services, Class I, is hereby delegated to the Governor-General in Council.

Provided that any modification of cadre which would adversely affect a person appointed by the Secretary of State in Council to any Central Service, Class I, shall require the previous sanction of the Secretary of State in Council.

C. S (C. C A) R. 33 [3](1) Rules regulating the conditions of service, the pay and allowances and the pensions of officers of the Indian Ecclesiastical Establishment and the Indian Political Department, rules regulating the pensions of members of the Central Services, Class I, appointed by the Secretary of State in Council and rules regulating the pensions of members of the Central Services

[1] [ ] Omitted with effect from 1st November 1932
[2] This revised rule has effect from 1st November 1932
[3] This revised sub rule has effect from 25th April 1933.

Class I, in respect of any period of office as Member or Temporary Member of the Executive Council of the Governor General or of a Governor shall be made by the Secretary of State in Council.

Provided that nothing in this rule shall invalidate any delegation of the power to make rules which was made before these rules came into force.

(2) Save as provided in sub rule (1), the power to make rules regulating the conditions of service, the pay and allowances, and the pensions of members of the Central Services, Class I, is hereby delegated to the Governor General in Council.

Part V.—Central Services Class II.

C. S (C C A) R 34 All first appointments to the Central Services, Class II, shall be made by the Governor-General in Council or by an authority empowered by the Governor-General in Council in this behalf.

C. S (C. C A) R 35. The power to make rules regulating the methods of recruitment to the Central Services, Class II, is hereby delegated to the Governor-General in Council.

C S (C C A) R 36 The power to make rules to determine the strength, including both the number and character of posts, of the Central Services, Class II, is hereby delegated to the Governor General in Council.

C. S (C. C A) R. 37. The power to make rules regulating the conditions of service, the pay and allowances, and the pensions of members of the Central Services, Class II, is hereby delegated to the Governor-General in Council.

[1][Provided that rules regulating the pensions of members of such services in respect of any period of office as Member or Temporary Member of the Executive Council of the Governor-General or of a Governor shall be made by the Secretary of State in Council]

Provided also that rules regulating the pensions of members of a Central Service, Class II, appointed by the Secretary of State in Council, shall be made by that authority.

Part VI.—Provincial Services.

C. S. (C. C. A.) R 38. All first appointments to a Provincial Service shall be made by the Local Government or by an authority empowered by the Local Government in this behalf:

Provided that the previous sanction of the Governor-General in Council shall be required to—

(a) the appointment to a Provincial Service of any person who is not either a British subject or the subject of a State in India;

(b) the making of an appointment to a Provincial Service which will adversely affect any person who was a member of such service on the 9th day of March 1926;

1 [ ] This proviso has effect from the 1st November 1932.

(*c*) the making of first appointments to a Provincial Service otherwise than (*i*) by transfer or promotion from another provincial service, whether in the same or in a different province, or by promotion from a subordinate service, or (*ii*) on the result of a competitive examination, or (*iii*) after consulting a permanent Board of Selection appointed by the Local Government or a Commission established by a law made under the authorisation conferred by Rule 13 or the Public Service Commission established in accordance with the provisions of section 96C of the Government of India Act, or (*iv*) in accordance with arrangements approved by the Governor-General in Council; and

(*d*) the fixing of standards for admission to any existing Provincial Service, lower than the standards regulating admission to that service on the 9th day of March 1926

C. S. (C. C. A.) R. 39. Subject to the provisions of Rule 38, the power to make rules regulating the method of recruitment to Provincial Services is hereby delegated to the Local Governments of Governors' Provinces.

C. S. (C. C. A.) R. 40. (1) The power to make rules to determine the strength, including both the number and character of posts, of a Provincial Service in any Governor's Province is hereby delegated to the Local Government:

Provided that no increase of such posts, if it would adversely affect any person who was a member of the corresponding All-India Service on the 9th day of March 1926, shall be made without the previous sanction of the Secretary of State in Council.

Provided also that a reduction in the number of posts in a Provincial Service, if it would adversely affect any person who was a member of such service on the 9th day of March 1926, shall not be made without the previous sanction of the Governor General in Council.

(2) For the purposes of this rule and of rule 38, a person who was, on the 9th day of March 1926, holding in an officiating or provisionally substantive capacity a post belonging to a particular service and has been subsequently confirmed in such post without having reverted therefrom, shall be deemed to have been a member of that service on that date.

C. S. (C. C. A.) R. 41. The power to make rules regulating the conditions of service, the pay and allowances, and the pensions of a Provincial Service in any Governor's Province is hereby delegated to the Local Government:

[1]Provided that rules regulating—

(*a*) the pay of members of such Services while officiating in posts borne on the cadre of an all-India Service; or

[1] This revised proviso has effect from the 1st November 1932

Class I, in respect of any period of office as Member or Temporary Member of the Executive Council of the Governor General or of a Governor shall be made by the Secretary of State in Council

Provided that nothing in this rule shall invalidate any delegation of the power to make rules which was made before these rules came into force

(2) *Save as provided in sub rule (1)*, the power to make rules regulating the conditions of service the pay and allowances, and the pensions of members of the Central Services, Class I, is hereby delegated to the Governor General in Council

Part V —Central Services Class II.

C S (C C A) R 34 All first appointments to the Central Services Class II shall be made by the Governor General in Council or by an authority empowered by the Governor General in Council in this behalf

C S (C C A) R 35 The power to make rules regulating the methods of recruitment to the Central Services, Class II, is hereby delegated to the Governor General in Council

C S (C C A) R 36 The power to make rules to determine the strength, including both the number and character of posts, of the Central Services, Class II, is hereby delegated to the Governor General in Council

C S (C C A) R 37 The power to make rules regulating the conditions of service, the pay and allowances and the pensions of members of the Central Services, Class II, is hereby delegated to the Governor General in Council

[1][Provided that rules regulating the pensions of members of such services in respect of any period of office as Member or Temporary Member of the Executive Council of the Governor General or of a Governor shall be made by the Secretary of State in Council]

Provided also that rules regulating the pensions of members of a Central Service, Class II, appointed by the Secretary of State in Council, shall be made by that authority

Part VI —Provincial Services

C S (C C A) R 38 All first appointments to a Provincial Service shall be made by the Local Government or by an authority empowered by the Local Government in this behalf

Provided that the previous sanction of the Governor General in Council shall be required to—

(*a*) the appointment to a Provincial Service of any person who is not either a British subject or the subject of a State in India,

(*b*) the making of an appointment to a Provincial Service which will adversely affect any person who was a member of such service on the 9th day of March 1926,

1 [ ] This proviso has effect from the 1st November 1932.

(c) the making of first appointments to a Provincial Service otherwise than (i) by transfer or promotion from another provincial service, whether in the same or in a different province, or by promotion from a subordinate service, or (ii) on the result of a competitive examination, or (iii) after consulting a permanent Board of Selection appointed by the Local Government or a Commission established by a law made under the authorisation conferred by Rule 13 or the Public Service Commission established in accordance with the provisions of section 96C of the Government of India Act, or (iv) in accordance with arrangements approved by the Governor-General in Council; and

(d) the fixing of standards for admission to any existing Provincial Service, lower than the standards regulating admission to that service on the 9th day of March 1926.

C. S (C. C A) R 39. Subject to the provisions of Rule 38, the power to make rules regulating the method of recruitment to Provincial Services is hereby delegated to the Local Governments of Governors' Provinces.

C. S. (C. C. A) R. 40. (1) The power to make rules to determine the strength, including both the number and character of posts, of a Provincial Service in any Governor's Province is hereby delegated to the Local Government:

Provided that no increase of such posts, if it would adversely affect any person who was a member of the corresponding All-India Service on the 9th day of March 1926, shall be made without the previous sanction of the Secretary of State in Council.

Provided also that a reduction in the number of posts in a Provincial Service, if it would adversely affect any person who was a member of such service on the 9th day of March 1926, shall not be made without the previous sanction of the Governor-General in Council.

(2) For the purposes of this rule and of rule 38, a person who was, on the 9th day of March 1926, holding in an officiating or provisionally substantive capacity a post belonging to a particular service and has been subsequently confirmed in such post without having reverted therefrom, shall be deemed to have been a member of that service on that date.

C. S. (C. C. A.) R. 41. The power to make rules regulating the conditions of service, the pay and allowances, and the pensions of a Provincial Service in any Governor's Province is hereby delegated to the Local Government:

[1]Provided that rules regulating—

(a) the pay of members of such Services while officiating in posts borne on the cadre of an all-India Service; or

1 This revised proviso has effect from the 1st November 1932

(b) the pensions of members of such Services in respect of any period of office as a Member or Temporary Member of the Executive Council of the Governor-General or of a Governor, or

(c) the pensions of members of such Services who were appointed by the Secretary of State in Council,

shall be made by the Secretary of State in Council

Part VII.—Specialist Services.

C. S (C. C. A) R 42 The Governor-General in Council and the Local Government of a Governor's Province may determine the posts to be held by members of the Specialist Services, and may appoint persons to hold them, and may make rules prescribing the conditions of service, the pay and allowances, and the pensions, if any, of the incumbents of such posts.

Provided that rules regulating the pensions of members of a Specialist Service appointed by the Secretary of State in Council shall be made by that authority.

Provided also that no such post, if its creation would adversely affect any member of an all-India Service or of a service specified in [1][* * *] Rule 29, [2][or any member of the Superior Telegraph Engineering and Wireless Branches of the Indian Posts and Telegraphs Department appointed by the Secretary of State in Council] shall be created without the previous sanction of the Secretary of State in Council

Part VIII.—Saving for Military Officers.

C S. (C C A) R 43 Notwithstanding anything contained in Part IV, Part V, Part VI, Part VII [2][or Part XII]—

rules regulating the methods of recruitment of officers (other than officers of the Indian Medical Department) holding the King's Commission on the active list of the Regular Army, [2][the Royal Air Force] and the Royal Indian ~~Marine~~ Navy to any Central Service, Class I or Class II, or to any Provincial Service, and rules regulating the conditions of service, the pay and allowances and the pensions [2][and the conduct] of such officers in any such service or in any Specialist Service shall be made by the Secretary of State in Council;

[2][Provided that nothing in this clause shall invalidate any delegation of the power to make rules which was made before these rules came into force]

(b) the number and character of posts for the time being filled by such officers in any Central, Provincial or Specialist Service shall not be altered without the previous sanction of the Secretary of State in Council·

1 [ ] Deleted with effect from 1st November 1932
2 [ ] Inserted with effect from 1st November 1932.

Provided that, subject to the limitations specified in Rule 10, the Governor General in Council or Local Government may add temporarily to the number of such posts for the performance of duties of a temporary nature.

Part IX.—Subordinate Services

C S (C. C A) R 44 The power to make rules providing for the following matters in respect of subordinate services under the administrative control of a Government is hereby delegated to such Government, namely·

(a) the making of first appointments,

(b) the methods of recruitment,

(c) the number and character of posts, and

(d) conditions of service, pay and allowances and pensions

See S1 375

Part X.—Transfers to Foreign Service.

No 588

Page 17, Section I, C S (C C A) Rule 45—

Insert the following as Government of India's decision below this Rule -

"*Government of India's decision* —See Government of India's decisio below F R 110 in Section III of this Volume, as inserted by correction sl No. 587, dated the 27th January 1942 "

(No 588 dated the 27th January 1942

Powers, or in the case of Coorg, by the Secretary of States Despatch N Financial, dated the 12th August 1926 to fix, increase or reduce the attaching to any post

[G I, H D Notification No 9/8/38, dated the 22nd February 1939]

(2) See Slip 522 (No 273 dated the 1st May 19

C S (C C A) R 46 (1) When in the opinion of the controlling authority special provisions inconsistent with any of [1][these] rules made thereunder are required in respect of condi-

Provided that in every agreement made in exercise of the power conferred by this rule by any controlling authority it shall further be provided that in respect of any matter in respect of which no provision has been made in the agreement the provisions of [1][these] rules or of rules made thereunder shall apply.

(2) When in a case to which sub-rule (1) applies the controlling authority is an authority other than the Secretary of State in Council, it shall be open to the controlling authority, in lieu of exercising the power conferred by sub-rule (1), to request the Secretary of State in Council to enter into an agreement of the nature referred to in sub-rule (1), and it shall be open to the Secretary of State in Council on receipt of such request to enter into such agreement, whereupon all the provisions of sub-rule (1) shall apply in like manner

No. 341.

Page 18, Section I, C S (C C. A) Rule 46—

Insert the following in parenthesis below this rule —

"(For Model forms of Agreement for officers under the rule making control of the Governor General in Council see Appendix 27 to this Compilation) "

(No 341, dated the 28th November 1938)

see up 071

Part XII.—Conduct and Discipline.

C. S (C. C. A) R. 47. Rules regarding the conduct of members of the All-India Services and of the Indian Political Department and the Indian Ecclesiastical Establishment shall be made by the Secretary of State in Council. The Secretary of State in Council may declare that these rules, or any of them, with or without modification, shall be applicable to any other service.

C. S. (C. C. A) R. 48 (1) The Governor-General in Council may make rules to regulate the conduct of members of the Central Services, Classes I and II (except the Indian Political Department and the Indian Ecclesiastical Establishment), of the Specialist Services and of the Subordinate Services under his administrative control.

(2) The Local Government of a Governor's Province may make rules to regulate the conduct of members of the Provincial Services, Specialist Services and Subordinate Services, under its administrative control.

[2](3) No rule made in exercise of the power delegated by this rule shall contravene any provision contained in any rules made by the Secretary of State in Council—

(a) under clause (a) of Rule 43; or

(b) which may be declared under Rule 47 to be applicable to the service concerned.

[1][ ] Substituted with effect from 1st November 1932.
[2]This sub-rule has effect from the 1st November 1932.

(b) C. S. (C. C. A.) R. 49. The following penalties may, for good and

No. 404

Page 19, Section I, Civil Services (Classification, Control and Appeal) Rule 50—

Substitute the following for the existing decision of the Secretary of State under this rule —

" For rules regulating the acceptance by the Government of India of applications for retirement or resignation from officers appointed by the Secretary of State or by the Secretary of State in Council see the India Office letter No S & G 3356/38, dated the 24th June 1938 circulated with the Government of India, Home Department letter No 54/5/38 Ests, dated the 3rd April 1939, to all Provincial Governments

(G I F D endorsement No F 6 (26) R II/39, dated the 11th May 1939]

(iii) Removal from . . (No 404 dated the 1st September 1939.)

No 632

Page 19 Section I, Civil Services (Classification Control and Appeal) Rule 49—

Insert the following as Item (4) of the Government of India's decisions under this rule —

" (4) Unauthorised desertion of his post by a public servant in the face of enemy action or threat of enemy action clearly amounts to grave misconduct and would therefore constitute a 'good and sufficient' reason within the meaning of Rule 49 of Civil Services (Classification Control and Appeal) Rules for removal or dismissal, in addition to any penalty provided in the Essential Services (Maintenance) Ordinance Loss of pension would then follow automatically in virtue of the provisions of Article 353 of the Civil Services Regulations and it would also be possible to forfeit the Government contribution if any to the individual s Provident Fund

The Government of India propose to follow this procedure so far as concerns members of Services under their own control and will recommend similar action to the Secretary of State in the case of Services under his control '

[G I H D Office memorandum No 136/42 Ests dated the 10th July 1942 and G I, F D Endorsement No D 9515 W I /42 dated the 24th July 1942 copies received under Auditor General s Endorsement No 1434 NGE/338 42 dated the 8th August 1942]

(No 632 dated the 28th September 1942)

Insert the following as item (3) of the Government of India s decisions

[G I, H D ...

(3) See slip 523, (No 163 dated the 27th November ...

Provided that in every agreement made in exercise of the power conferred by this rule by any controlling authority it shall further be provided that in respect of any matter in respect of which no provision has been made in the agreement the provisions of [1][these] rules or of rules made thereunder shall apply.

(2) When in a case to which sub-rule (1) applies the controlling authority is an authority other than the Secretary of State in Council it shall be open to the controlling authority, in lieu of exercising the power conferred by sub-rule (1), to request the Secretary of State in Council to enter into an agreement of the nature referred to in sub rule (1), and it shall be open to the Secretary of State in Council on receipt of such request to enter into such agreement, whereupon all the provisions of sub-rule (1) shall apply in like manner

No. 341.

Page 18, Section I, C S (C C A) Rule 46—

Insert the following in parenthesis below this rule —

'(For Model forms of Agreement for officers under the rule mal control of the Governor General in Council see Appendix to this Compilation) '

(No 341, dated the 28th November 193

see sup on

Part XII.—Conduct and Discipline.

C S (C C A) R 47 Rules regarding the conduct of members of the All India Services and of the Indian Political Department and the Indian Ecclesiastical Establishment shall be made by the Secretary of State in Council The Secretary of State in Council may declare that these rules, or any of them, with or without modification, shall be applicable to any other service

C S (C C A) R. 48 (1) The Governor General in Council may make rules to regulate the conduct of members of the Central Services, Classes I and II (except the Indian Political Department and the Indian Ecclesiastical Establishment), of the Specialist Services and of the Subordinate Services under his administrative control

(2) The Local Government of a Governor's Province may make rules to regulate the conduct of members of the Provincial Services, Specialist Services and Subordinate Services, under its administrative control.

[2](3) No rule made in exercise of the power delegated by this rule shall contravene any provision contained in any rules made by the Secretary of State in Council—

(*a*) under clause (*a*) of Rule 43; or

(*b*) which may be declared under Rule 47 to be applicable to the service concerned

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1[ ] Substituted with effect from 1st November 1932.

2This sub-rule has effect from the 1st November 1932.

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No 677

Page 21, Section I, C. S. (C C A), Rule 55—

Insert the following as Secretary of State's decision below this rule —

"*Secretary of State's decision.*—The Secretary of State has accepted the view taken by the Government of India *that in cases where the penalty* considered *prima facie* appropriate is dismissal, removal *or reduction in* rank, the technical requirements of Section 240 (3) *of the Government of* India Act, 1935, will be complied with if, when an officer is called upon to *offer the defence in* respect of the charges against him, he is also asked, *at the same time,* to show cause against the imposition of the penalty considered *prima facie* to be appropriate, should the charges against him be held to have been proved The Secretary of State has *suggested that in* order to prevent any risk of misunderstanding it should in *such cases be* ... any representation that he might ... against him in the event of all the ... proved will be considered by the ... punishing him is passed"

[*India Office, London,* letter No S. & G 1362|42, dated the 30th September 1942 and *Government of India, Home Department,* letter No 243|42 Ests, dated the 23rd February 1943, *copies* received under Auditor General's endorsement No 135 A.|284-41, dated the 15th March 1943]

(No 677, dated the 28th May 1943)

he terms of his con

No. 311.

Page 21, Section I C S (C C A), Rule 56—

Insert the following clause after sub clause (ii) of clause (*b*) of th Rule —

"(c) reducing or with-holding the maximum pension, including a addition pension, admissible to *him under* the rules governing pensions."

[G I, H D Notification No 19./37 dated the 30th May 1938]

(No. 311, dated the 1st July 1938)

Provided that a person appointed by the Governor General in Council shall have no right of appeal from an order passed by the Governor-General in Council.

C S (C C A) R 57. (1) A member of an All India Service may appeal from the order of a Local Government to the Governor-General in Council and from an order, original or appellate, of the Governor-General in Council to the Secretary of State in Council

No. 33.

Page 22, Section I, C S (C C A) R 57—

Substitute the words "Royal Indian Navy" *for* the words "Royal Indian Marine" occurring in sub rule 2 (line 4) of, and in the third proviso (line 3) to, this Rule

(These amendments take effect from the 3rd September 1935]

[G I, H D, Notfn No F 9/26/34, dated 26th September 1935]

[No 33, dated the 18th March 1936]

(3) A member of a Central Service appointed by the Governor-General in Council, or a member of a Specialist Service appointed by the Governor General in Council, may appeal to the Governor-General in Council from an order passed by an authority subordinate to the Governor General in Council.

(4) A member of a Central Service appointed by an authority subordinate to the Governor General in Council may appeal to such authority from an order passed by an authority subordinate to it, and to the Governor General in Council from an original order passed by the authority which appointed him.

(5) A member of a Provincial Service, or a member of a Specialist Service under the administrative control of the Local Government of a Governor's Province, may appeal to the Governor from an order passed by the Local Government:

Provided that any such person who was appointed by the Secretary of State in Council shall be entitled as an alternative to the appeal to the Governor to appeal to the Governor General in Council and, if his pay as defined in the Fundamental Rules is not less than Rs 500 per mensem, thereafter to the Secretary of State in Council:

Provided also that any Deputy Collector to whom the provisions of section 25 of Bengal Regulation IX of 1833 apply shall be entitled as an alternative to the appeal to the Governor to appeal to the Governor General in Council.

[1][Provided also that any officer holding the King's Commission on the Active List of the Regular Army, the Royal Air Force or the Royal Indian Marine may appeal to the Governor General in Council, and thereafter to the Secretary of State in Council].

[2][(6) * * *].

1[ ] Inserted with effect from the 1st November 1932.
2[ ] Omitted with effect from the 1st November 1932.

C. S. (C. C. A.) R. 58. (1) Every member of a service other than ~~subordinate service~~ shall be entitled to appeal to the authority hereinafter specified against any order passed by an authority subordinate to the said authority which—

(a) alters to his disadvantage his conditions of service, pay, allowances or pension as regulated in rules or in a contract of service, or

(b) interprets to his disadvantage the provisions of any rules or contract of service whereby his conditions of service, pay, allowances or pension are regulated.

(2) The authority hereinbefore referred to shall be the authority which made the rule to which the order under appeal relates, or in the case of an appeal relating to a contract of service, the authority which appointed the appellant: Provided that where the rule or the appointment was made by the Local Government of a Governor's Province the appeal shall lie to the Governor.

(3) Every person appointed by the Secretary of State in Council shall be entitled to appeal to the Secretary of State in Council against an order of any subordinate authority terminating his employment or giving notice of such termination otherwise than on his reaching the age of superannuation.

C. S. (C. C. A) R. 59. In the case of an appeal against an order imposing any penalty specified in Rule 49, the appellate authority shall consider—

(a) whether the facts on which the order was based have been established;

(b) whether the facts established afford sufficient ground for taking action; and

(c) whether the penalty is excessive, adequate, or inadequate;

and after such consideration shall pass such order as it thinks proper.

C. S. (C. C. A.) R. 60. In the case of an appeal against an order under Rule 58, the appellate authority shall pass such order as appears to it just and equitable, having regard to all the circumstances of the case.

C. S. (C. C. A.) R. 61. An authority from whose order an appeal is preferred under these rules shall give effect to any order made by the appellate authority.

C. S. (C. C. A.) R. 62. Every person preferring an appeal shall do so separately and in his own name.

C. S. (C. C. A.) R. 63. Every appeal preferred under these rules shall contain all material statements and arguments relied on by the appellant, shall contain no disrespectful or improper language, and shall be complete in itself. Every such appeal shall be submitted through the head of the office to which the appellant belongs or belonged and through the authority from whose order the appeal is preferred.

4 Superior Telegraph Engineering and Wireless Branches of the Indian Posts and Telegraphs Department
5 Indian Posts and Telegraphs Traffic Service (Class I)
6 Geological Survey of India (Class I)
7 Indian Meteorological Service (Class I)
8 Mines Department (Class I)
9 Archaeological Department
10 Zoological Survey of India.
11 Survey of India Class I
12 Indian Ecclesiastical Establishment
13 Political Department of the Government ...

No 608.

... —*Insert* the following entry after the ...rvice (Class I)" in this Schedu... ...ted the 28th July 1938 —

"19-B Railway Inspectorate Service"

(This amendment takes effect from the 12th May 1941)

[G I, H D, Notification No 9/2/42 dated the 17th March 1942]

(No 608, dated the 28th May 194...

No 315.

Page 26 Section I, Schedule II—

Substitute the following for entry No 19 A of this Schedule as inserted b... Correction Slip No 219 dated the 28th August 1937 —

"19 A Central Revenues Chemical Service (Class I)" See slip 608

[G I H D Notification No 9/B/38 dated the 20th July 1938]

(No 315 dated the 28th July 1938)

(No. 219, dated the 28th August 1937)

S/ 315

... Postmaster General

(v) Assistant Director General

(vi) Presidency Postmaster

(vii) Postmaster ...

No 403 See slip 486

Page 26, Schedule II—Central Services Class I—

Insert the following as item (III) and renumber items (III) to (VII) as items (IV) to (I...) in the list of the Indian Posts and Telegrap... Traffic Service, Class I in the Government of India Order on this page

(III) Deputy Director General (Finance)

[Financial Adviser Post and Telegraphs endorsement No ... A 108/33/Coll dated the 28th December 1933 and the Finance Officer Communicatio... endorsement No F. A 148/39 (2) dated the 12th April 1939]

(No 403 dated the 1st September 1939)

SECTION II.

FUNDAMENTAL RULES.

Applicable to members of services under the rule-making control of the Secretary of State in Council.)

4 Superior Telegraph Engineering and Wireless Branches of the Indian Posts and Telegraphs Department
5 Indian Posts and Telegraphs Traffic Service (Class I)
6 Geological Survey of India (Class I)
7 Indian Meteorological Service (Class I)
8 Mines Department (Class I)
9 Archaeological Department
10 Zoological Survey of India
11 Survey of India Class I
12 Indian Ecclesiastical Establishment
13 Political Department of the Government ...

No 608.

Page 26, Section I, Schedule II —*Insert* the following entry after the entr "19 A Central Revenues Chemical Service (Class I)" in this Schedule, a inserted by correction slip No 315 dated the 28th July 1938 —

"19 B Railway Inspectorate Service"

(This amendment takes effect from the 12th May 1941)

[G I, H D Notification No 9/2/42 dated the 17th March 1942]

(No 608 dated the 28th May 1942)

No 315.

Page 26 Section I Schedule II—

Substitute the following for entry No 19 A of this Schedule as inserted by Correction Slip No 219 dated the 28th August 1937 —

" 19 A Central Revenues Chemical Service (Class I) " su 608

[G I H D Notification No 9 B/38 dated the 20th July 1938]

(No 315 dated the 28th July 1938)

(No 219, dated the 28th August 1937)

s/ 315

... Postmaster General

No. 486

Page 26, Schedule II—Central Services, Class I—

Cancel the amendments to the list of the Indian Posts and Telegrap Traffic Service, Class I, in the Government of India's orders on this page, introduced by correction slip No 403, dated the 1st September 1939

(This amendment takes effect from the 1st June 1940)

[F A (Communications') endorsement No E S A 58/40/5 dated the 7th June 194

(*No. 486, dated the 28th July 1940*)

(III) Deputy Director ...

[Financial Adviser Posts and Telegraphs ... A 108/33/Coll I dated the 28th December 1933 and the Finance Officer Communications endorsement No F ... 148/39 (2) dated the 12th April 1939]

(No 403 dated the 1st September 1939)

SECTION II.

FUNDAMENTAL RULES.

Applicable to members of services under the rule-making control of the Secretary of State in Council.)

[illegible] The powers specifically granted by these rules to local Governments may be exercised by them in relation to those Government servants only who are under their administrative control. These powers may be exercised by the Governor General in Council in respect of all other Government servants, and may be delegated by him, without regard to the limitations of rule 6 and subject to any conditions which he may think fit to [illegible]

[illegible]

[1]F. R. 5A. A Local Government may, where power to make rules or general orders is conferred upon it by any of these rules, relax the provisions of rules or orders so made by it in such manner as may appear to it to be just and equitable, subject to the limit of its powers to make such rules or orders:

Provided that where any such rule or order is applicable to the case of any person, the case shall not be dealt with in any manner less favourable to him than that provided by the rule or order.

...l Government may delegate to any of its officers, ...tions which it may think fit to impose, any power ...y these rules with the following exceptions:—

...s to make rules;

...powers conferred by rules 6, 9 (6) (b), 44, 45, 83, 119, 121 and 127 (c), and by the first proviso to (1) of rule 30.

...ed by the Government of India, in its capacity ...ment, under different Fundamental Rules, are *contu...* *...ndix No 4*]

Government of India's decision—The restrictions to the powers of a Local Government under *old* F R 45 now stand in respect of corresponding rules F R s 45A and 45B

[*G I, F. D, U O* No 3517 *R. E*, dated 7th October 1930, to *A G*, P. T,]

F. R. 7. No powers may be exercised or delegated under these rules except after consultation with the Finance Department. It shall be open to that Department to prescribe, by general or special order, cases in which its consent may be presumed to have been given, and to require that its opinion on any matter on which it has been consulted shall be submitted to the Governor by the consulting department.

F. R. 8. The power of interpreting these rules is reserved to the Governor General in Council.

[1]This rule has effect from the 20th June 1926

Chapter II.—Definitions

F R 9 Unless there be something repugnant in the subject or context, the terms defined in this chapter are used in the rules in the sense here explained —

(1) The *Act* means the Government of India Act

(2) *Average pay* means the average monthly pay earned during the 12 complete months immediately preceding the month in which the event occurs which necessitates the calculation of average pay

Provided that —

[1](a) In respect of any period spent on deputation out of India which has been declared by the Governor-General in Council to be under *quasi* European conditions the pay which the Government servant could have drawn if on duty in India shall be substituted for the pay actually drawn

[2](b) In the case of an officer of the Royal Engineers who entered civil employ on or before the 17th September 1925 and who during any period of the preceding twelve months has undergone military training by being attached to a unit for one month his pay for that particular month shall be assumed to be the pay which he drew in the month immediately preceding his training

[3](c) The average pay of a military officer who is granted rent-free quarters and thereby foregoes lodging allowance in lieu thereof, shall, if he gives up such quarters before going on leave be calculated as though he had been drawing during the period of occupation the lodging allowance to which he would otherwise have been entitled

NOTE —The average pay of a member of the Bengal Covenanted Pilot Service shall be calculated at such rates as the Secretary of State in Council may by order prescribe

F R 9 (3) *Barrister* means a practising barrister of England or Ireland, and a practising member of the Faculty of Advocates of the Court of Sessions of Scotland It does not include a person who though called to the Bar, has never practised the profession of barrister

(4) *Cadre* means the sanctioned strength of a service or of an establishment

[1] This proviso has effect from the 24th May 1927
[2] This proviso has effect from the 6th March 1928
[3] This proviso has effect from the 20th December 1927

F. R. 9. (22) *Permanent post* means a post carrying a definite rate of pay sanctioned without limit of time.

(23) *Personal pay* means additional pay granted to a Government servant—

[1](a) to save him from a loss of substantive pay in respect of a permanent post other than a tenure post due to a revision of pay or to any reduction of such substantive pay otherwise than as a disciplinary measure; or

(b) in exceptional circumstances, on other personal considerations.

F. R. 9. (24) *Presumptive pay of a post,* when used with reference to any particular Government servant, means the pay to which he would be entitled if he held the post substantively and were performing its duties; but it does not include special pay unless the Government servant performs or discharges the work or responsibility, or is exposed to the unhealthy conditions, in consideration of which the special pay was sanctioned.

F. R. 9. (25) *Special pay* means an addition, of the nature of pay, to the emoluments of a post or of a Government servant, granted in consideration of—

(a) the specially arduous nature of the duties; or

(b) a specific addition to the work or responsibility; or

(c) the unhealthiness of the locality in which the work is performed.

F. R. 9. (26) *Deleted* [With effect from the 14th May 1935.]

F. R. 9 (27) *Subsistence grant* means a monthly grant made to a Government servant who is not in receipt of pay or leave-salary.

[4](28) *Substantive pay* means the pay other than special pay, personal pay or emoluments classed as pay by the Governor General in Council under Rule 9 (21) (a) (iii), to which a Government servant is entitled on account of a post to which he has been appointed substantively or by reason of his substantive position in a cadre.

(29) *Technical pay* means pay granted to a Government servant in consideration of the fact that he has received technical training in Europe.

F. R. 9. (30) *Temporary post* means a post carrying a definite rate of pay sanctioned for a limited time.

1 The amended clause has effect from the 18th March 1930.

(c) during joining time on transfer to another post; unless he is transferred substantively to a post on lower pay, in which case his lien is transferred to the new post from the date on which he is relieved of his duties in the old post;

(d) subject to the exception in Rule 97, while on leave; and

(e) while under suspension.

NOTE.—In the case of a chaplain, the acceptance during leave of a benefice in the United Kingdom is not acceptance of foreign service for the purpose of clause (b) above.

[1]F. R. 14. (a) A Local Government shall suspend the lien of a Government servant on a permanent post which he holds substantively if he is appointed in a substantive capacity—

(1) to a tenure post, or

(2) to a permanent post outside the cadre on which he is borne, or

(3) provisionally, to a post on which another Government servant would hold a lien had his lien not been suspended under this rule.

(b) A Local Government may, at its option, suspend the lien of a Government servant on a permanent post which he holds substantively if he is deputed out of India or transferred to foreign service, or, in circumstances not covered by clause (a) of this Rule, is transferred, whether in a substantive or officiating capacity, to a post in another cadre, and if in any of these cases there is reason to believe that he will remain absent from the post on which he holds a lien for a period of not less than three years.

(c) Notwithstanding anything contained in clause (a) or (b) of this Rule, a Government servant's lien on a tenure post may in no circumstances be suspended. If he is appointed substantively to another permanent post, his lien on the tenure post must be terminated.

(d) If a Government servant's lien on a post is suspended under clause (a) or (b) of this Rule, the post may be filled substantively, and the Government servant appointed to hold it substantively shall acquire a lien on it; provided that the arrangements shall be reversed as soon as the suspended lien revives.

NOTE 1.—This clause applies if the post concerned is a post in a selection grade of a cadre.

NOTE 2.—When a post is filled substantively under this clause, the appointment will be termed a provisional appointment; the Government servant appointed will hold a provisional lien on the post; and that lien will be liable to suspension under clause (a) or (b) of this Rule.

(e) Except as provided in sub-rule (3) of Rule 97, a Government servant's lien which has been suspended under clause (a) of this Rule shall revive as soon as he ceases to hold a lien on a post of the nature specified in sub-clause (1), (2) or (3) of that clause.

[1] This revised rule has effect from the 20th May 1931.

(f) A Government servant's lien which has been suspended under clause (b) of this Rule shall revive as soon as he ceases to be on deputation out of India or on foreign service or to hold a post in another cadre, provided that a suspended lien shall not revive because the Government servant takes leave if there is reason to believe that he will, on return from leave, continue to be on deputation out of India or on foreign service or to hold a post in another cadre and the total period of absence on duty will not fall short of three years or that he will hold substantively a post of the nature specified in sub-clause (1), (2) or (3) of clause (a).

[1]F. R. 14-A. (a) Except as provided in clause (c) of this Rule and Rule 97, a Government servant's lien on a post may in no circumstances be terminated, even with his consent, if the result will be to leave him without a lien or a suspended lien upon a permanent post.

(b) In a case covered by sub-clause (2) of clause (a) of Rule 14, the suspended lien may not, except on the written reque t of the Government servant concerned, be terminated while the Government servant remains in Government service.

(c) Notwithstanding the provisions of Rule 14 (a), the lien of a Government servant holding substantively a permanent post shall be

No.724 *Page 39, Section II, F.R. 14 A —Insert* the words "of a First Class Resident o[...] the words "to the post" occurring in line 4 of clause (c) of this Rule —

[O.I., F.D., Notification No. D 23 RI/44, dated the 31st January 1944.]

(No 724 dated the 2[...]th March 19[...]

[1]F. R. 14-B. Subject to the provisions of Rule 15, a Local Government may transfer to another permanent post in the same cadre the lien of a Government servant who is not performing the duties of the post to which the lien relates, even if that lien has been suspended.

[2]F. R. 15. (a) A Local Government may transfer a Government servant from one post to another; provided that, except—

(1) on account of inefficiency or misbehaviour, or

(2) on his written request,

a Government servant shall not be transferred substantively to, or, except in a case covered by Rule 49, appointed to officiate in, a post carrying less pay than the pay of the permanent post on which he holds a lien, or would hold a lien had his lien not been suspended under Rule 14.

(b) Nothing contained in clause (a) of this Rule or in clause (13) of Rule 9 shall operate to prevent the retransfer of a Government servant to a post on which he would hold a lien, had it not been suspended in accordance with the provisions of clause (a) of Rule 14.

F. R. 16. *A Government servant may be required to subscribe to* a provident fund, a family pension fund or other similar fund in accordance with such rules as the Secretary of State in Council may by order prescribe

[1] These new rules have effect from the 29th May 1934

[2] This revised rule has effect from the 29th May 1934

(c) during joining time on transfer to another post; unless he is transferred substantively to a post on lower pay, in which case his lien is transferred to the new post from the date on which he is relieved of his duties in the old post;

(d) subject to the exception in Rule 97, while on leave; and

(e) while under suspension.

NOTE.—In the case of a chaplain, the acceptance during leave of a benefice in the United Kingdom is not acceptance of foreign service for the purpose of clause (b) above.

[1]F. R. 14. (a) A Local Government shall suspend the lien of a Government servant on a permanent post which he holds substantively if he is appointed in a substantive capacity—

(1) to a tenure post, or

(2) to a permanent post outside the cadre on which he is borne, or

(3) provisionally, to a post on which another Government servant would hold a lien had his lien not been suspended under this rule.

(b) A Local Government may, at its option, suspend the lien of a Government servant on a permanent post which he holds substantively if he is deputed out of India or transferred to foreign service, or, in circumstances not covered by clause (a) of this Rule, is transferred, whether in a substantive or officiating capacity, to a post in another cadre, and if in any of these cases there is reason to believe that he will remain absent from the post on which he holds a lien for a period of not less than three years.

(c) Notwithstanding anything contained in clause (a) or (b) of this Rule, a Government servant's lien on a tenure post may in no circumstances be suspended. If he is appointed substantively to another permanent post, his lien on the tenure post must be terminated.

(d) If a Government servant's lien on a post is suspended under clause (a) or (b) of this Rule, the post may be filled substantively, and the Government servant appointed to hold it substantively shall acquire a lien on it, provided that the arrangements shall be reversed as soon as the suspended lien revives.

NOTE 1.—This clause applies if the post concerned is a post in a selection grade of a cadre.

NOTE 2.—When a post is filled substantively under this clause, the appointment will be termed a provisional appointment; the Government servant appointed will hold a provisional lien on the post; and that lien will be liable to suspension under clause (a) or (b) of this Rule.

(e) Except as provided in sub-rule (3) of Rule 97, a Government servant's lien which has been suspended under clause (a) of this Rule shall revive as soon as he ceases to hold a lien on a post of the nature specified in sub-clause (1), (2) or (3) of that clause.

[1] This revised rule has effect from the 20th May 1931

(f) A Government servant's lien which has been suspended under clause (b) of this Rule shall revive as soon as he ceases to be on deputation out of India or on foreign service or to hold a post in another cadre, provided that a suspended lien shall not revive because the Government servant takes leave if there is reason to believe tha he will, on return from leave, continue to be on deputation out o India or on foreign service or to hold a post in another cadre and th total period of absence on duty will not fall short of three years o that he will hold substantively a post of the nature specified in sub clause (1), (2) or (3) of clause (a).

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(c) Notwithstanding the provisions of Rule 14 (a), the lien of a Government servant holding substantively a permanent post shall b

No.724 *Page 39, Section II, F.R. 14 A —Insert* the words "of a First Class Resident the words "to the post" occurring in line 4 of clause (c) of this Rule —

[O.I., F D, Notification No. D 23 RI/44 dated the 31st January 1944]

(No 724 dated the 2-th March 1

[1]F. R. 14-B. Subject to the provisions of Rule 15, a Local Gov ernment may transfer to another permanent post in the same cadre the lien of a Government servant who is not performing the duties of the post to which the lien relates, even if that lien has been suspended.

[2]F R. 15. (a) A Local Government may transfer a Government servant from one post to another; provided that, except—

(1) on account of inefficiency or misbehaviour, or

(2) on his written request,

a Government servant shall not be transferred substantively to, or, except in a case covered by Rule 49, appointed to officiate in, a post carrying less pay than the pay of the permanent post on which he holds a lien, or would hold a lien had his lien not been suspended under Rule 14.

(b) Nothing contained in clause (a) of this Rule or in clause (13) of Rule 9 shall operate to prevent the retransfer of a Government servant to a post on which he would hold a lien, had it not been suspended in accordance with the provisions of clause (a) of Rule 14.

F. R 16. A Government servant may be required to subscribe to a provident fund, a family pension fund or other similar fund in accordance with such rules as the Secretary of State in Council may by order prescribe

[1] These new rules have effect from the 29th May 1934

[2] This revised rule has effect from the 29th May 1934

(c) during joining time on transfer to another post; unless he is transferred substantively to a post on lower pay, in which case his lien is transferred to the new post from the date on which he is relieved of his duties in the old post;

(d) subject to the exception in Rule 97, while on leave; and

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NOTE.—In the case of a chaplain, the acceptance during leave of a benefice in the United Kingdom is not acceptance of foreign service for the purpose of clause (b) above.

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(2) to a permanent post outside the cadre on which he is borne, or

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(b) A Local Government may, at its option, suspend the lien of a Government servant on a permanent post which he holds substantively if he is deputed out of India or transferred to foreign service, or, in circumstances not covered by clause (a) of this Rule, is transferred, whether in a substantive or officiating capacity, to a post in another cadre, and if in any of these cases there is reason to believe that he will remain absent from the post on which he holds a lien for a period of not less than three years.

(c) Notwithstanding anything contained in clause (a) or (b) of this Rule, a Government servant's lien on a tenure post may in no circumstances be suspended. If he is appointed substantively to another permanent post, his lien on the tenure post must be terminated.

(d) If a Government servant's lien on a post is suspended under clause (a) or (b) of this Rule, the post may be filled substantively, and the Government servant appointed to hold it substantively shall acquire a lien on it; provided that the arrangements shall be reversed as soon as the suspended lien revives.

NOTE 1.—This clause applies if the post concerned is a post in a selection grade of a cadre.

NOTE 2.—When a post is filled substantively under this clause, the appointment will be termed a provisional appointment; the Government servant appointed will hold a provisional lien on the post; and that lien will be liable to suspension under clause (a) or (b) of this Rule.

(e) Except as provided in sub-rule (3) of Rule 97, a Government servant's lien which has been suspended under clause (a) of this Rule shall revive as soon as he ceases to hold a lien on a post of the nature specified in sub-clause (1), (2) or (3) of that clause.

[1] This revised rule has effect from the 20th May 1931

(f) A Government servant's lien which has been suspended under clause (b) of this Rule shall revive as soon as he ceases to be on deputation out of India or on foreign service or to hold a post in another cadre, provided that a suspended lien shall not revive because the Government servant takes leave if there is reason to believe that he will, on return from leave, continue to be on deputation out of India or on foreign service or to hold a post in another cadre and the total period of absence on duty will not fall short of three years or that he will hold substantively a post of the nature specified in sub-clause (1), (2) or (3) of clause (a).

[1]F R. 14-A. (a) Except as provided in clause (c) of this Rule and Rule 97, a Government servant's lien on a post may in no circumstances be terminated, even with his consent, if the result will be to leave him without a lien or a suspended lien upon a permanent post.

(b) In a case covered by sub-clause (2) of clause (a) of Rule 14, the suspended lien may not, except on the written reque t of the Government servant concerned, be terminated wh le the Government servant remains in Government service.

(c) Notwithstanding the provisions of Rule 14 (a), the lien of a Government servant holding substantively a permanent post shall be

No.724 *Page 39, Section II, F.R. 14 A —Insert* the words "of a First Class Resident (the words "to the post" occurring in line 4 of clause (c) of this Rule :—

[G.I., F D, Notification No. D 23 RI/44 dated the 31st January 1944.]

(No 724 dated the 28th March 1944.)

[1]F. R. 14-B. Subject to the provisions of Rule 15, a Local Government may transfer to another permanent post in the same cadre the lien of a Government servant who is not performing the duties of the post to which the lien relates, even if that lien has been suspended.

[2]F R. 15. (a) A Local Government may transfer a Government servant from one post to another; provided that, except—

(1) on account of inefficiency or misbehaviour, or

(2) on his written request,

a Government servant shall not be transferred substantively to, or, except in a case covered by Rule 49, appointed to officiate in, a post carrying less pay than the pay of the permanent post on which he holds a lien, or would hold a lien had his lien not been suspended under Rule 14.

(b) Nothing contained in clause (a) of this Rule or in clause (13) of Rule 9 shall operate to prevent the retransfer of a Government servant to a post on which he would hold a lien, had it not been suspended in accordance with the provisions of clause (a) of Rule 14.

F R 16. A Government servant may be required to subscribe to a provident fund, a family pension fund or other similar fund in accordance with such rules as the Secretary of State in Council may by order prescribe

[1] These new rules have effect from the 29th May 1934
[2] This revised rule has effect from the 29th May 1934

(c) during joining time on transfer to another post; unless he is transferred substantively to a post on lower pay, in which case his lien is transferred to the new post from the date on which he is relieved of his duties in the old post;

(d) subject to the exception in Rule 97, while on leave; and

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NOTE.—In the case of a chaplain, the acceptance during leave of a benefice in the United Kingdom is not acceptance of foreign service for the purpose of clause (b) above.

[1]F. R. 14. (a) A Local Government shall suspend the lien of a Government servant on a permanent post which he holds substantively if he is appointed in a substantive capacity—

(1) to a tenure post, or

(2) to a permanent post outside the cadre on which he is borne, or

(3) provisionally, to a post on which another Government servant would hold a lien had his lien not been suspended under this rule.

(b) A Local Government may, at its option, suspend the lien of a Government servant on a permanent post which he holds substantively if he is deputed out of India or transferred to foreign service, or, in circumstances not covered by clause (a) of this Rule, is transferred, whether in a substantive or officiating capacity, to a post in another cadre, and if in any of these cases there is reason to believe that he will remain absent from the post on which he holds a lien for a period of not less than three years.

(c) Notwithstanding anything contained in clause (a) or (b) of this Rule, a Government servant's lien on a tenure post may in no circumstances be suspended. If he is appointed substantively to another permanent post, his lien on the tenure post must be terminated.

(d) If a Government servant's lien on a post is suspended under clause (a) or (b) of this Rule, the post may be filled substantively, and the Government servant appointed to hold it substantively shall acquire a lien on it; provided that the arrangements shall be reversed as soon as the suspended lien revives.

NOTE 1.—This clause applies if the post concerned is a post in a selection grade of a cadre.

NOTE 2.—When a post is filled substantively under this clause, the appointment will be termed a provisional appointment; the Government servant appointed will hold a provisional lien on the post; and that lien will be liable to suspension under clause (a) or (b) of this Rule.

(e) Except as provided in sub-rule (3) of Rule 97, a Government servant's lien which has been suspended under clause (a) of this Rule shall revive as soon as he ceases to hold a lien on a post of the nature specified in sub-clause (1), (2) or (3) of that clause.

[1] This revised rule has effect from the 20th May 1931

(f) A Government servant's lien which has been suspended under clause (b) of this Rule shall revive as soon as he ceases to be on deputation out of India or on foreign service or to hold a post in another cadre, provided that a suspended lien shall not revive because the Government servant takes leave if there is reason to believe that he will, on return from leave, continue to be on deputation out of India or on foreign service or to hold a post in another cadre and the total period of absence on duty will not fall short of three years or that he will hold substantively a post of the nature specified in sub-clause (1), (2) or (3) of clause (a).

[1]F. R. 14-A. (a) Except as provided in clause (c) of this Rule and Rule 97, a Government servant's lien on a post may in no circumstances be terminated, even with his consent, if the result will be to leave him without a lien or a suspended lien upon a permanent post.

(b) In a case covered by sub-clause (2) of clause (a) of Rule 14, the suspended lien may not, except on the written reque t of the Government servant concerned, be terminated while the Government servant remains in Government service.

(c) Notwithstanding the provisions of Rule 14 (a), the lien of a Government servant holding substantively a permanent post shall be—

No. 724. *Page 39, Section II, F.R. 14 A*—*Insert* the words "of a First Class Resident o[n] the words "to the post" occurring in line 4 of clause (c) of this Rule.—

[G.I., F.D., Notification No. D 23 RI'44, dated the 31st January 1944]

(No. 724 dated the 2[8]th March 194[4])

[1]F. R. 14-B. Subject to the provisions of Rule 15, a Local Government may transfer to another permanent post in the same cadre the lien of a Government servant who is not performing the duties of the post to which the lien relates, even if that lien has been suspended.

[2]F. R. 15. (a) A Local Government may transfer a Government servant from one post to another; provided that, except—

(1) on account of inefficiency or misbehaviour, or

(2) on his written request,

a Government servant shall not be transferred substantively to, or, except in a case covered by Rule 49, appointed to officiate in, a post carrying less pay than the pay of the permanent post on which he holds a lien, or would hold a lien had his lien not been suspended under Rule 14.

(b) Nothing contained in clause (a) of this Rule or in clause (13) of Rule 9 shall operate to prevent the retransfer of a Government servant to a post on which he would hold a lien, had it not been suspended in accordance with the provisions of clause (a) of Rule 14.

F. R. 16. A Government servant may be required to subscribe to a provident fund, a family pension fund or other similar fund in accordance with such rules as the Secretary of State in Council may by order prescribe.

[1] These new rules have effect from the 29th May 1934

[2] This revised rule has effect from the 29th May 1934

F. R. 17. (1) Subject to any exceptions, specifically made in these rules and to the provision of sub-rule (2), an officer shall begin to draw the pay and allowances attached to his tenure of a post with effect from the date when he assumes the duties of that post, and shall cease to draw them as soon as he ceases to discharge those duties.

No. 346.

Page 40, Section II, Fundamental Rule 17—

Insert the following as the Secretary of State's decision under this rule :—

"*Secretary of State's decision.*—A question having been raised as to what joining time is admissible to Indian Civil Service recruits proceeding to India overland, it was decided by [illegible]
should be permitted to draw [illegible]
drawn it if, having travelled [illegible]
of the joining time which would then have been admissible, they had reported for duty on the date on which they actually report after travelling overland "

[Letter No S & G 5304/38, dated the 1st October 1938, from the India Office, London, received with the Government of India, Finance Department endorsement No F. 2 (3)-R I/38, dated the 21st November 1938.]

(No 346, dated the 23rd December 1938)

PART III.

Chapter IV.—Pay.

F. R. 19. (1) Subject to the provisions of rules made under section 45-A of the Act, and to any restrictions which the Secretary of State in Council may by order impose upon the powers of the Governor General in Council or the Governor in Council, as the case may be, the fixation of pay is within the competence of a local Government; provided that [1][* * *] the pay of a Government servant shall not be so increased as to exceed the pay sanctioned for his post without the sanction of an authority competent to create a post in the same cadre on a rate of pay equal to his pay when increased.

[2](2) Notwithstanding any restrictions referred to in, or imposed by sub-rule (1) of this rule a local Government may grant—

(i) personal pay as defined in clause (a) of sub-rule (23) of rule 9 to any Government servant;

(ii) special pay not exceeding Rs. 150 a month to any member of the Indian Forest Service employed on research work;

(iii) special pay not exceeding the following scales to any member of the Indian Forest Service specially appointed as Working Plans Officer or appointed to assist a Working Plans Officer for the period during which the officers are specially employed on such work;

Working Plans Officer . . Rs. 100 per mensem.

Assistant Working Plans Officers Rs. 50 per mensem.

(iv) special pay not exceeding the above scale to any member of the Indian Forest Service who is a divisional or district forest officer and is entrusted with the compilation of a working plan in addition to his ordinary duties or who is appointed to assist in the compilation of such a plan;

(v) special pay [in cases other than those provided in clauses [illegible]

No 34.

Page 41, Section II, F R 19—

Substitute the following *for* sub clause (*b*) of clause (*v*) of sub rule (2) of this Rule —

"(b) [illegible] the Local Government of a [illegible] of such special or of such [illegible] without the previous sanc- [illegible] Council, exceed one-fifth of the pay (exclusive of special and personal pay) of the Government servant or rupees 10 a day, whichever is less "

(This amendment takes effect from the 20th August 1935)

[G I, F D, Notfn No F 13 XIII Ex II/35, dated 3rd October 1935]

[No 34, dated the 18th March 1936]

F. R. 17. (1) Subject to any exceptions, specifically made in these rules and to the provision of sub-rule (2), an officer shall begin to draw the pay and allowances attached to his tenure of a post with effect from the date when he assumes the duties of that post, and shall cease to draw them as soon as he ceases to discharge those duties

No 346

Page 40, Section II, Fundamental Rule 17—

Insert the following as the Secretary of State's decision under this rule —

"*Secretary of State's decision* —A question having been raised as to what joining time is admissible to Indian Civil Service recruits proceeding to India overland, it was decided by the Secretary of State for India that these officers should be permitted to draw pay from the date from which they would have drawn it if, having travelled by sea to Bombay and availed themselves fully of the joining time which would then have been admissible, they had reported for duty on the date on which they actually report after travelling overland "

[Letter No S & G 5301/38 dated the 1st October 1938, from the India Office, London, received with the Government of India, Finance Department endorsement No F 2 (3)-R I/38, dated the 21st November 1938]

(No 346 dated the 23rd December 1938)

PART III.

Chapter IV.—Pay.

F. R. 19. (1) Subject to the provisions of rules made under section 45-A of the Act, and to any restrictions which the Secretary of State in Council may by order impose upon the powers of the Governor General in Council or the Governor in Council, as the case may be, the fixation of pay is within the competence of a local Government; provided that [1][* * *] the pay of a Government servant shall not be so increased as to exceed the pay sanctioned for his post without the sanction of an authority competent to create a post in the same cadre on a rate of pay equal to his pay when increased.

[2](2) Notwithstanding any restrictions referred to in, or imposed by sub-rule (1) of this rule a local Government may grant—

(i) personal pay as defined in clause (a) of sub rule (23) of rule 9 to any Government servant;

(ii) special pay not exceeding Rs. 150 a month to any member of the Indian Forest Service employed on research work;

(iii) special pay not exceeding the following scales to any member of the Indian Forest Service specially appointed as Working Plans Officer or appointed to assist a Working Plans Officer for the period during which the officers are specially employed on such work;

Working Plans Officer . . Rs 100 per mensem.

Assistant Working Plans Officers Rs. 50 per mensem.

(iv) special pay not exceeding the above scale to any member of the Indian Forest Service who is a divisional or district forest officer and is entrusted with the compilation of a working plan in addition to his ordinary duties or who is appointed to assist in the compilation of such a plan;

(v) special pay [in cases other than those provided in clauses

No 34

Page 41, Section II, F R 19—

Substitute the following *for* sub clause (*b*) of clause (*v*) of sub-rule (2) of this Rule —

"(b) if the Local Government is the Local Government of a Governor's Province, the amount of such special or of such personal pay, or of both, shall not, without the previous sanction of the Governor General in Council, exceed one-fifth of the pay (exclusive of special and personal pay) of the Government servant or rupees 10 a day, whichever is less "

(This amendment takes effect from the 20th August 1935)

[G I, F. D Notfn No F 13 XIII Ex II/35, dated 3rd October 1935]

[No 34, dated the 18th March 1936]

No. 628.

Page 42, Section II, Fundamental Rule 19.—Insert the following Secretary of State's decision under this rule :—

No. 726. Page 42, Section II, F. R. 19.—Substitute the following for Secretary of decision under this rule, as inserted by correction slip No. 628, dated the 28th August 1942 :—

"Secretary of State's decision.—The Secret[illegible] be made to him in cases where grants of [illegible] Draft Rule 9 (now rule 10) of the Secretary of [illegible] ingly. Pending the [illegible] ne[illegible] th[illegible] or [illegible] to a day, whichever is less."

[G. I., F. D., Endorsement No. F. 1(18) Ex. I/43, dated the 10th November 1943.]

[illegible] F. D. Endorsement [illegible] (No. 726, dated [illegible]

No. 727. Page 42, Section II, F. [illegible] below this Rule :—

"Secretary of State's direction.—The general sanction contained in the Secretary of [illegible] decision above, as introduced by correction slip No. 726 dated [illegible] 28th March 1944, given [illegible] to cover grants in existe[illegible] Rs. 10 a day or one-fifth [illegible] therefore be necessary to s[illegible] of this kind and any cases forwarded to the Secretary of State for san[illegible] since the date of the above letter may be regarded as covered."

[G. I., F. D. Endorsement No. F. 1(18)-Ex. I/43, dated the 6th January 1944.]

[Ruling (10), Sec. IV of Compilation [illegible] (No. 727, dated the 28th March 19[illegible]

[2]F. R. 22. The initial substantive pay of a Government servant who is appointed substantively to a post on a time-scale of pay is regulated as follows:—

(a) If he holds a lien on a permanent post, other than a tenure post, or would hold a lien on such a post had his lien not been suspended [3][* * *]

(i) When appointment to the new post involves the assumption of duties or responsibilities of greater importance (as interpreted for the purposes of Rule 30) than those attaching to such permanent post, he will draw as initial pay the stage of the time-scale next above his substantive pay in respect of the old post;

(ii) when appointment to the new post does not involve such assumption, he will draw as initial pay the stage of the time scale which is equal to his substantive pay in respect of the old post, or, if there is no such stage, the stage next below that pay, plus personal pay equal to the difference, and in either case will continue to draw

1Figure "30" has been substituted for figure "22" with effect from the 18th March 1930.

2This revised rule has effect from the 18th March 1930.

3[ ] Deleted with effect from the 29th May 1934.

that pay until such time as he would have received an increment in the time scale of the old post or for the period after which an increment is earned in the time-scale of the new post, whichever is less. But if the minimum pay of the time-scale of the new post is higher than his substantive pay in respect of the old post, he will draw that minimum as initial pay.

[1](iii) when appointment to the new post is made on his own request under Rule 15 (a) and the maximum pay in the time-scale of that post is less than his substantive pay in respect of the old post, he will draw that maximum as initial pay.

(b) If the conditions prescribed in clause (a) are not fulfilled, he will draw as initial pay the minimum of the time-scale.

Provided, both in cases covered by clause (a) [2][and in cases, other than *cases of re-employment after resignation from the public service*, covered by clause (b),] that if he either—

(1) has previously held substantively or officiated in—

(i) the same post, or

(ii) a permanent or temporary post on the same time-scale, or

(iii) a permanent post other than a tenure post, on an identical time scale, or a temporary post on an identical time-scale, such post being on the same time-scale as a permanent post; or

(2) is appointed substantively to a tenure post on a time-scale identical with that of another tenure post which he has previously held substantively or in which he has previously officiated,

then the initial pay shall not be less than the pay, other than special pay, personal pay or emoluments classed as pay by the Governor General in Council under Rule 9 (21) (a) (iii), which he drew on the last such occasion, and he shall count for increments the period during which he drew that pay on such last and any previous occasions

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No 303

Page 43, Section II, F R 22—

Insert the following at the end of this Rule —

(This amendment takes effect from the 31st March 1938)

[G I F D Notification No F 8(1) Fx 1/38 dated the 12th May 1938]

(No 303 dated the 27th May 1938)

No 628.

No. 763

Page 42, Section II, F R 19—

Insert the following as "Auditor General's Instructions" under this rule —

"*Auditor General's Instructions* —The position regarding the powers of Governments in India to grant to Secretary of State's Officers personal or special pay or both is indicated below —

Prior to the Secretary of State's recent orders, dated the 5th June 1913 and 9th August 1913 (as inserted by correction slips Nos 726 and 727, dated the 28th March 1914, below this Rule) the Governor General in Council had, under Fundamental Rule 19(2) (v) (a), the power to grant to a Secretary of State's Officer serving at the Centre personal or special pay or both, for a period not exceeding two years, on condition that the total pay of the officer, inclusive of special and personal pay, did not exceed Rs 4,000 a month In the case of a Secretary of State's officer serving in connection with the affairs of a Province, the exercise of similar powers by the Governor General in Council under Fundamental Rule 19(2) (v) (b) was held to be inconsistent with the general lay out of the Government of India Act, 1935, and the Secretary of State therefore, promulgated his new rule of 14th April 1912 which had the effect of vesting in Governors in their individual judgment the same powers in the matter of the grant of personal or special pay as the Governor General in Council possessed under Fundamental Rule 19(2) (v) (a) Under the recent orders of the Secretary of State, dated the 5th June 1913 and 9th August 1913, referred to above, these enhanced powers of the Governor General in Council as well as of Governors in their individual judgment have now been withdrawn The resultant position, which completely supersedes the provisions in the Fundamental Rule 19(2) (v) and in the Secretary of State's rule of the 14th April 1912, therefore, is that Governments in India, Central and Provincial, are now uniformly authorised to grant, without any limit of time, to a Secretary of State's officer personal or special pay or both, on condition that the aggregate of such personal or special pay or both shall not exceed one fifth of the officer's substantive pay or Rs 10 a day, whichever is less In applying the Secretary of State's recent orders in question, the orders contained in clauses (ii) and (iii) of the Government of India, Finance Department, Letter of the 1st February 1911 (inserted by correction slip No 726, dated the 28th March 1914) should however, be borne in mind"

[Auditor General's letter No 206 A/2-1 43 dated the 13th May 1914]

(No 763 dated the 28th August 1911)

(iii) when a[illegible] ... such assumption he will draw as initial pay the stage of the time scale which is equal to his substantive pay in respect of the old post, or, if there is no such stage the stage next below that pay, *plus* personal pay equal to the difference, and in either case will continue to draw

[1]Figures [illegible] has been substituted for [illegible] with effect from the 18th March 1930

[2]The revised rule has effect from the 18th March 1930

[3][ ] Deleted with effect from the 29th May 1934

that pay until such time as he would have received an increment in the time scale of the old post or for the period after which an increment is earned in the time-scale of the new post, whichever is less But if the minimum pay of the time-scale of the new post is higher than his substantive pay in respect of the old post, he will draw that minimum as initial pay.

[1](iii) when appointment to the new post is made on his own request under Rule 15 (a) and the maximum pay in the time scale of that post is less than his substantive pay in respect of the old post, he will draw that maximum as initial pay.

(b) If the conditions prescribed in clause (a) are not fulfilled, he will draw as initial pay the minimum of the time-scale.

Provided, both in cases covered by clause (a) [2][and in cases, other than cases of re-employment after resignation from the public service, covered by clause (b),] that if he either—

(1) has previously held substantively or officiated in—

(i) the same post, or

(ii) a permanent or temporary post on the same time-scale, or

(iii) a permanent post other than a tenure post, on an identical time-scale, or a temporary post on an identical time-scale, such post being on the same time-scale as a permanent post; or

(2) is appointed substantively to a tenure post on a time-scale identical with that of another tenure post which he has previously held substantively or in which he has previously officiated,

then the initial pay shall not be less than the pay, other than special pay, personal pay or emoluments classed as pay by the Governor General in Council under Rule 9 (21) (a) (iii), which he drew on the last such occasion, and he shall count for increments the period during which he drew that pay on such last and any previous occasions.

No. 303

Page 43, Section II, F R 22—

Insert the following at the end of this Rule —

[illegible] of the first proviso that the [illegible] post shall not [illegible] ment or Department for the purpose of work of the same nature as the ordinary work for which permanent posts exist in a cadre under a different Government or Department and (ii) sanctioned on a time-scale identical with the time-scale applicable to the permanent posts in the cadre under the different Government or Department ''

(This amendment takes effect from the 31st March 1938)

[G I, F D Notification No F 8(1) Ex 1/38 dated the 12th May 1938]

(No 303, dated the 27th May 1938)

provided that he may at his option retain his old pay until the date on which he has earned his next or any subsequent increment on the old scale, or until he vacates his post or ceases to draw pay on that time-scale. The option once exercised is final.

F. R. 24. An increment shall ordinarily be drawn as a matter of course unless it is withheld. An increment may be withheld from a Government servant by a local Government, or by any authority to whom the local Government may delegate this power under Rule 6, if his conduct has not been good or his work has not been satisfactory. In ordering the withholding of an increment, the withholding authority shall state the period for which it is withheld, and whether the postponement shall have the effect of postponing future increments.

F. R. 25. Where an efficiency bar is prescribed in a time-scale, the increment next above the bar shall not be given to a Government servant without the specific sanction of the authority empowered to withhold increments.

F. R. 26. The following provisions prescribe the conditions on which service counts for increments in a time-scale:—

[1](a) All duty in a post on a time-scale counts for increments in that time-scale.

[2](b) Service in another post, whether in a substantive or officiating capacity, service on deputation and leave other than extraordinary leave count for increments in the time-scale applicable to the post on which the Government servant holds a lien, as well as in the time-scale applicable to the post or posts, if any, on which he would hold a lien had his lien not been suspended.

Provided that the local Government shall have power in any case in which they are satisfied that the leave was taken on account of illness or for any other cause beyond the Government servant's control to direct that extraordinary leave shall be counted for increment under this clause.

[1](c) If a Government servant, while officiating in a post or holding a temporary post on a time-scale of pay, is appointed to officiate in a higher post or to hold a higher temporary post, his officiating or temporary service in the higher post shall, if he is re-appointed to the lower post, count for increments in the time-scale applicable to such lower post. [3][The period of officiating service in the higher post which counts for increment in the lower is, however, restricted to the period during which the Government servant would have officiated in the lower post but for his appointment to the higher.] This clause applies also to a Government servant who is not actually

[1]The amended clauses have effect from the 15th March 1930
[2]This revised clause has effect from the 29th May 1934
[3][ ] Inserted with effect from the 22nd January 1935

officiating in the lower post at the time of his appointment to the higher post, but who would have so officiated had he not been appointed to the higher post.

(d) If a Government servant's tenure of a temporary post is interrupted by duty in another post or by leave other than extraordinary leave *or by foreign service*, such duty, leave or foreign service counts for increments in the time scale applicable to the temporary post if the Government servant returns to the temporary post.

Provided that the local Government shall have power, in any case in which they are satisfied that the leave was taken on account of illness or for any other cause beyond the Government servant's control, to direct that extraordinary leave shall be counted for increments under this clause.

(e) Foreign service counts for increments in the time-scale applicable to—

[1](i) The post in Government service on which the Government servant concerned holds a lien as well as the post or posts, if any, on which he would hold a lien had his lien not been suspended, and

(ii) any post to which he may receive officiating promotion under Rule 113 below, for the duration of such promotion.

F. R. 27. *An authority may grant a premature increment to a Government servant on a time-scale of pay if it has power to create a post in the same cadre on the same scale of pay.*

F. R. 28. The authority which orders the transfer of a Government servant as a penalty from a higher to a lower grade or post may allow him to draw any pay, not exceeding the maximum of the lower grade or post, which it may think proper.

[2]F. R. 29. If a Government servant is, on account of misconduct or inefficiency, reduced to a lower grade or post, or to a lower stage in his time-scale, the authority ordering such reduction shall state the period for which it shall be effective and whether, on restoration, it shall operate to postpone future increments and if so to what extent.

[3]F. R. 30. Pay of officiating Government servants—

(1) Subject to the provisions of Chapter VI, a Government servant who is appointed to officiate in a post shall not draw pay higher than his substantive pay in respect of a permanent post, other than a tenure post, unless the post in which he is appointed *to officiate is one of* those enumerated in the schedule to this Rule or unless the officiating appointment involves the assumption of duties and responsibilities of greater importance than those attaching to the post, other than a tenure post, on which he holds a lien or would hold a lien had his lien not been suspended [4][* * *].

[1]This revised sub clause has effect from the 29th May 1934
[2]This revised rule has effect from the 17th October 1928
[3]The amended rule has effect from the 18th March 1930
[4][ ] Deleted with effect from the 29th May 1934

Provided that the local Government may exempt from the operation of this Rule and service other than an all-India service which is not organised on a time-scale basis and in which a system of acting promotion from grade to grade is in force at the time of the coming into force of these Rules:

Provided further that the Governor General in Council may specify posts outside the ordinary line of a service the holders of which may, notwithstanding the provisions of this Rule and subject to such conditions as the Governor General in Council may prescribe, be given any officiating promotion in the cadre of the service which the authority competent to order promotion may decide, and may thereupon be granted the same pay (whether with or without any special pay attached to such posts) as they would have received if still in the ordinary line.

(2) For the purpose of this Rule, the officiating appointment shall not be deemed to involve the assumption of duties or responsibilities of greater importance if the post to which it is made is on the same scale of pay as the permanent post, other than a tenure post, on which he holds a lien or would hold a lien had his lien not been suspended [1][* * *], or on a scale of pay identical therewith

SCHEDULE

(1) District and Sessions Judges, 1st grade

(2) Sub Collectors, 1st grade, in the Madras Presidency

(3) Selection Grade of the Indian Police [2][*]

(4) Accountants General, Class I

(5) Chief Engineers, Indian Service of Engineers, State Railways

(6) Selection posts of Collectors of Customs on pay Rs 3,000

(7) Selection grade on pay of Rs 2,500 sanctioned for Postmasters General who are not members of the Indian Civil Service

(8) The following grades in the Telegraph Department —

(a) Deputy Superintendents, Traffic, 1st class

(b) Deputy Assistant Engineers, 1st class

(c) Deputy Assistant Electricians, 1st class

(9) Commissioners, First Grade, in the Bombay Presidency

(10) Second Secretary to the Government of Madras

*F. R. 31. Subject to the provisions of Rules 26 (c), 30 and 35, a Government servant officiating in a post will draw the presumptive

1[ ] Deleted with effect from the 29th May 1934
2[ ] Deleted with effect from the 28th February 1933
*This rule has effect from the 18th March 1930

pay of that post, provided that, [except in the case of a Government servant whose appointment to the post in which he is officiating was made on his own request under Rule 15 (a),] if the presumptive pay of the permanent post on which he holds a lien or would hold a lien had his lien not been suspended [2][*], should at any time be greater than the presumptive pay of the post in which he officiates, he will draw the presumptive pay of the permanent post.

F. R. 32. *Deleted* [With effect from the 18th March 1930.]

F. R. 33. When a Government servant officiates in a post the pay of which has been fixed at a rate personal to another Government servant, a local Government may permit him to draw pay at any rate not exceeding the rate so fixed or, if the rate so fixed be a time-scale, may grant him initial pay not exceeding the lowest stage of that time-scale and future increments not exceeding those of the sanctioned scale.

F. R. 34. *Deleted* [With effect from the 18th March 1930.]

F. R. 35. A local Government may fix the pay of an officiating Government servant at an amount less than that admissible under these rules.

F. R. 36. A local Government may issue general or special orders allowing acting promotions to be made in the place of Government servants who are treated as on duty under Rule 9 (6) (b).

F. R. 37. *Personal pay.*—Except when the authority sanctioning it orders otherwise, personal pay shall be reduced by any amount by which the recipient's pay may be increased, and shall cease as soon as his pay is increased by an amount equal to his personal pay.

F. R. 38. *Pay of Official Members of the Indian Legislature.*—A Government servant nominated as a member of the Legislative Assembly or the Council of State shall receive, while serving on the Assembly or the Council, the pay which he would from time to time have drawn had he not been so serving. He shall receive, in addition, such travelling allowance as the Governor General in Council may fix.

F. R. 39. *Pay of temporary posts.*—When a temporary post is created which may have to be filled by a person not already in Government service, the pay of the post shall be fixed with reference to the minimum that is necessary to secure the services of a person capable of discharging efficiently the duties of the post.

F. R. 40. When a temporary post is created which will probably be filled by a person who is already a Government servant, its pay should be fixed by the local Government with due regard to:—

(a) the character and responsibility of the works to be performed, and

(b) the existing pay of Government servants of a status sufficient to warrant their selection for the post.

[1][ ] Inserted with effect from the 29th May 1934.
[2][ ] Deleted with effect from the 29th May 1934.

Provided that—

(i) a Local Government may make rules providing the manner in which the present value of residences shall be determined,

(ii) a Local Government may make rules determining what expenditure is to be regarded, for the purpose of sub clause (a) above, as expenditure upon the preparation of a site;

(iii) a Local Government may, for reasons which should be recorded, authorise a revaluation of all residences of a specified class or classes within a specified area to be conducted under the rules referred to in proviso (i) above, and may revise the capital cost of any or all such residences on the basis of such revaluation,

(iv) the capital cost, howsoever calculated, shall not take into consideration (1) any charges on account of establishment and tools and plant other than such as were actually charged direct to the work in cases in which the residence was constructed by Government, or (2) in other cases, the estimated amount of such charges,

(v) a Local Government may, for reasons which should be recorded, write off a specified portion of the capital cost of a residence—

(1) When a portion of the residence must be set aside, by the officer to whom the residence is allotted, for the reception of official and non-official visitors visiting him on business, or

(2) When it is satisfied that the capital cost, as determined under the above rules would be greatly in excess of the proper value of the accommodation provided,

(vi) in assessing the cost or value of the sanitary, water supply and electric installations and fittings, a Local Government may by rules determine what are to be regarded as fittings for this purpose

III The standard rent of a residence shall be calculated as follows —

(a) In the case of leased residences the standard rent shall be the sum paid to the lessor *plus* an addition determined under rules which a Local Government may make, for meeting, during the period of lease such charges for both ordinary and special maintenance and repairs and for capital expenditure on additions or alterations as may be a charge on Government and for the interest on such capital expenditure, as also for municipal and other taxes [1][in the nature of house or property tax payable by Government in respect of the residence]

[1][ ] Substituted for the words payable by Government with effect from the 10th November 1931

(b) In the case of residences owned by Government, the standard rent shall be calculated on the capital cost of the residence, and shall be either—

(i) a percentage of such capital cost equal to such rate of interest as may from time to time be fixed by the Secretary of State in Council *plus* an addition for municipal and other taxes [1][in the nature of house or property tax payable by Government in respect of the residence] and for both ordinary and special maintenance and repairs, such addition being determined under rules which a Local Government may make, or

(ii) 6 per cent per annum of such capital cost, whichever is less

(c) In both cases standard rent shall be expressed as standard for a calendar month and shall be equal to one twelfth of the annual rent as calculated above, subject to the proviso that, in special localities or in respect of special classes of residence, a Local Government may fix a standard rent to cover a period greater than one month but not greater than one year Where a Local Government takes action under this proviso standard rent so fixed shall not be a larger proportion of the annual rent than the proportion which the period of occupation as prescribed under Rule 45 above bears to one year

NOTE 1.—For the purpose of sub-clauses (a) and (b) above the additions for both ordinary and special maintenance and repairs shall not include anything for the establishment and tools and plant charges, except to the extent allowed under proviso (iv) to clause II

No 297.

Page 51, Section II, F R 45 A—

Insert the following as Government of India's decision below clause IV (b) (ii) of this Rule —

'*Government of India's decision*—A question has arisen whether, for the purposes of the Fundamental Rules certain taxes of a service character which form part of a consolidated corporation tax locally known as 'property tax', are to be included in the standard rent It was the intention of the rule ... that the term property tax as used in this rule should ... the technical sense assigned

No 622

Page 51, *Section II, F R* 45 *A*—*Insert* the following *as a separate* sub para at the end of the Government of India's decision below clause IV (b) (ii) of this Rule (as inserted by correction slip No 297, dated the 27th May 1938) —

"These orders apply also in cases where officers are provided with Government accommodation free of rent"

[G I F D endorsement No F 25 (27) Ex II|42 dated the 26 6-42]

(No 622 dated the 28th August 1942.)

all taxes of a serv... tax though they may be included in a co... tax should henceforth if not already done be recovered separately from the occupier

(G I F D letter No F 8(6) Ex 1/38 dated the 5th April 1938]

(No 297 dated the 27th May

See slip 222

Provided that—

(i) a Local Government may make rules providing the manner in which the present value of residences shall be determined;

(ii) a Local Government may make rules determining what expenditure is to be regarded, for the purpose of sub-clause (a) above, as expenditure upon the preparation of a site;

(iii) a *Local Government may, for reasons which should be re*corded, authorise a revaluation of all residences of a specified class or classes within a specified area to be conducted under the rules referred to in proviso (i) above, and may revise the capital cost of any or all such residences on the basis of such revaluation;

(iv) the capital cost, howsoever calculated, shall not take into consideration (1) any charges on account of establishment and tools and plant other than such as were actually charged d rect to the work in cases in which the residence was constructed by Government, or (2) in other cases, the estimated amount of such charges;

(v) a Local Government may, for reasons which should be recorded, write off a specified portion of the capital cost of a residence—

(1) When a portion of the residence must be set aside, by the officer to whom the residence is allotted, for the reception of official and non-official visitors visiting him on business, or

(2) When it is satisfied that the capital cost, as determined under the above rules, would be greatly in excess of the proper value of the accommodation provided;

(vi) in assessing the cost or value of the sanitary, water supply and electric installations and fittings, a Local Government may by rules determine what are to be regarded as fittings for this purpose.

III. The standard rent of a residence shall be calculated as follows.—

(a) In the case of leased residences the standard rent shall be the sum paid to the lessor *plus* an addition determined under rules which a Local Government may make, for meeting, during the period of lease, such charges for both ordinary and special maintenance and repairs and for capital expenditure on additions or alterations as may be a charge on Government and for the interest on such capital expenditure, as also for municipal and other taxes [1][in the nature of house or property tax payable by Government in respect of the residence]

[1][ ] Substituted for the words payable by Government with effect from the 10th November 1931

(b) In the case of residences owned by Government, the standard rent shall be calculated on the capital cost of the residence, and shall be either—

(i) a percentage of such capital cost equal to such rate of interest as may from time to time be fixed by the Secretary of State in Council *plus* an addition for municipal and other taxes [1][in the nature of house or property tax payable by Government in respect of the residence] and for both ordinary and special maintenance and repairs, such addition being determined under rules which a Local Government may make, or

(ii) 6 per cent. per annum of such capital cost, whichever is less.

(c) In both cases standard rent shall be expressed as standard for a calendar month and shall be equal to one-twelfth of the annual rent as calculated above, subject to the proviso that, in special localities or in respect of special classes of residence, a Local Government may fix a standard rent to cover a period greater than one month but not greater than one year. Where a Local Government takes action under this proviso standard rent so fixed shall not be a larger proportion of the annual rent than the proportion which the period of occupation as prescribed under Rule 45 above bears to one year.

NOTE 1.—For the purpose of sub-clauses (a) and (b) above, the additions for both ordinary and special maintenance and repairs, shall not include anything for the establishment and tools and plant charges, except to the extent allowed under proviso (iv) to clause 11.

No. 297.

Page 51, Section II, F. R. 45-A—

Insert the following as Government of India's decision below clause IV (*b*) (ii) of this Rule —

"*Government of India's decision* —A question has arisen whether, for the purposes of the Fundamental Rules, certain taxes of a service character which form part of a consolidated corporation tax, locally known as 'property tax' are to be included in the *standard rent* It was the intention of the rule ... that the term 'property tax' as used in this rule, should ... the technical sense assigned

No 622.

Page 51, *Section II, F R. 45-A.*—*Insert* the following as a separate sub-para. at the end of the Government of India's decision below clause IV (b) (*ii*) *of this Rule* (as inserted by correction slip No 297, dated the 27th May 1938) :—

"These orders apply also in cases where officers are provided with Government accommodation free of rent"

[G I., F. D, endorsement No F 25 (27)-Ex II|42, dated the 26 6 42]

(No. 622, dated the 28th August 1942.)

all taxes of a service ... tax, though they may be included in a consolidated ... tax, should henceforth if not already done, be recovered separately from the occupier"

(G I, F D letter No F 8(5) Ex I/38, dated the 5th April 1938]

See slip 222 (No 297, dated the 27th 1938

p 79 of the F/2541IV

(c) Nothing contained in clause (b) above shall operate to prevent a Local Government from—

(i) grouping, after the standard rents have been calculated under the provisions of clause III above, a number of residences, whether *in a particular area or of a particular class* or classes, for the purpose of assessment of rent, subject to the following conditions being fulfilled —

(1) that the basis of assessment is uniform, and

(2) that the amount taken from any officer shall not exceed 10 per cent of his monthly emoluments,

(ii) taking a rent in excess of that prescribed in sub clause (b) above from an officer—

No 772.

Page 52, Section II, F R 45 A—

Substitute a comma (,) for the full stop ( ) occurring at the end of clause IV (c of this Rule and *insert* the following thereafter —

"or (4) who is permitted to sub let the residence supplied to him"

[Govt of India Finance Department Notification No F 25 (28) Ex II/43 dated the 1oth June]

(No 772 dated the 28th August]

a Local Government—

(a) may, by general or special order, grant rent-free accommodation to any officer or class of officers, or

(b) may, by special order, waive or reduce the amount of rent to be recovered from any officer

VI If a residence is supplied with services other— supply, sanitary or electric instal— ture, tennis — rent s clause the c Gover and c , and such rules may also authorise the r eduction of the additional rent or charge in special circumstances for reasons which should be recorded

No 647

Page 52, Section II F R 45 A—Delete the words ' meter hire *occurring in the 5th line of Clause VI of this Rule*

[G I F D notification No F 15(10) Ex I/41 dated the 29th October 194?]

(No 64? dated the 28th November 194

VII A Local Government may by rule prescribe that this rule shall apply, with effect from any date not earlier than the first of April 1924, to any Government servant or class of Government servants other than those mentioned in the rule

VIII Nothing contained in this rule shall so operate as to require payment of rent, for the occupation of residences supplied by Government, by those servants of the Crown in India who have been exempted from such payment by order of the Secretary of State in Council, or to affect the amount of rent or charges payable by those servants of the Crown in India, in whose case the amount so payable is prescribed by the Secretary of State in Council.

SCHEDULE

A—SERVICES

Indian Civil Service.

Indian Police [1][*]

Indian Agricultural Service.

Indian Educational Service

Indian Forest Service.

Indian Forest Engineering Service

Indian Medical Service (Civil)

Indian Service of Engineers.

Indian Veterinary Service

Indian Audit and Accounts Service

Superior Service Officers of the Military Accounts Department

Mint and Assay Departments

Imperial Customs Service

Superior Telegraph Engineering and Wireless Branches of the Indian Posts and Telegraphs Department.

Geological Survey of India (Director, Superintendents, Assistant Superintendents and Chemist)

Indian Meteorological Service (Director General of Observatories and Meteorologists)

Department of Mines in India

Archæological Department

Zoological Survey of India

Survey of India, Class I

Indian Ecclesiastical Establishment

Political Department of the Government of India

Medical Research Department (excluding Indian Medical Service Officers)

Opium Department (excluding officers who joined the Department after the 2nd April 1907)

Bengal Pilot Service

B—POSTS

1 Indian Posts and Telegraphs Department—

(i) In the Postal Department—

Deputy Director General
Postmasters General
Deputy Postmasters General
Assistant Directors General
Presidency Postmasters (including Postmaster, Rangoon)

(ii) In the Telegraph Traffic Branch—

Deputy Director General
Assistant Director General
First Division of the Superior Traffic Branch

2 Commissioners and Assistant Commissioners of Income-tax

3 Commissioner Deputy Commissioner and General Managers of the Northern India Salt Revenue Department

4 Officers of the Cantonment Department if on the Supernumerary list.

[1][*] Deleted with effect from the 28th February 1933

[*For rules made by the Governor General in Council, under Fundamental Rule 45A in his capacity as a Local Government see Supplementary Rules 316 3'6*]

[1]F R 45B I This rule applies to Government servants other than those to whom Rule 45A applies or is made applicable under the provisions of clause VII of that rule, or than those occupying residences belonging to a State Railway, or rented at the cost of railway revenues

II For the purposes of sub-clause (b) of clause III, the capital cost of a residence owned by Government shall not include the cost or value of such special services and installations (including furniture, tennis courts and sanitary, water supply or electric installations and fittings) as it may contain, and shall be either—

(a) the cost of acquiring or constructing the residence, including the cost of site and its preparation and any capital expenditure incurred after acquisition or construction, or, when this is not known,

(b) the present value of the residence including the value of site

NOTE —The cost of restoration or special repairs shall not be added to capital cost or present value unless such restoration or repairs add to accommodation or involve replacement of the existing type of work by work of a more expensive character

Provided that—

(i) a Local Government may make rules providing the manner in which the present value of residences, including sites, shall be determined,

(ii) a Local Government may make rules determining what expenditure is to be regarded for the purpose of sub-clause (a) above as expenditure upon the preparation of a site,

(iii) a Local Government may, for reasons which should be recorded, authorise a revaluation of all residences of a specified class or classes within a specified area to be conducted under the rules referred to in proviso (i) above, and may revise the capital cost of any or all such residences on the basis of such revaluation,

(iv) the capital cost, howsoever calculated, shall not take into consideration (1) any charges on account of establishment and tools and plant other than such as were actually charged direct to the work in cases in which the residence was constructed by Government, or (2) in other cases, the estimated amount of such charges,

[1]This new rule has effect from the 3rd August 1927

(v) a Local Government may, for reasons which should be recorded, write off a specified portion of the capital cost of a residence—

(1) when a portion of the residence must be set aside, by the Government servant to whom the residence is allotted, for the reception of official and non-official visitors visiting him on business, or

(2) when it is satisfied that the capital cost, as determined under the above rules, would be greatly in excess of the proper value of the accommodation provided;

(vi) in assessing the cost or value of the sanitary, water supply and electric installations and fittings, a Local Government may, by rules, determine what are to be regarded as fittings for this purpose.

III. The standard rent of a residence shall be calculated as follows:—

(a) In the case of leased residences the standard rent shall be the sum paid to the lessor, *plus* an addition determined under rules which a Local Government may make, for meeting, during the period of lease, such charges for both ordinary and special maintenance and repairs and for capital expenditure on additions or alterations as may be a charge on Government and for the interest on such capital expenditure, as also for municipal and other taxes [1][in the nature of house or property tax payable by Government in respect of the residence].

(b) In the case of residences owned by Government, the standard rent shall be calculated on the capital cost of the residence, and shall be a percentage of such capital cost equal to such rate of interest as may from time to time be fixed by the Secretary of State in Council *plus* an addition for municipal and other taxes [1][in the nature of house or property tax payable by Government in respect of the residence] and for both ordinary and special maintenance and repairs, such addition being determined under rules which a Local Government may make

(c) In both cases standard rent shall be expressed as standard for a calendar month and shall be equal to one-twelfth of the annual rent as calculated above, subject to the proviso that, in special localities or in respect of special classes of residence, a Local Government may fix a standard rent to cover a period greater than one month, but not greater than one year. Where a Local Government takes action

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[1][ ] Substituted for the words payable by Government with effect from the 10th November 1931

under this proviso standard rent so fixed shall not be a larger proportion of the annual rent than the proportion which the period of occupation as prescribed under Rule 45 above bears to one year.

NOTE 1.—For the purpose of sub-clauses (a) and (b) above, the additions for both ordinary and special maintenance and repairs shall not include anything for the establishment and tools and plant charges, except to the extent allowed under proviso (iv) to clause II.

NOTE 2.—A Local Government may by rule permit minor additions and alterations, the cost of which does not exceed a prescribed percentage of the capital cost of the residence, to be made during such period as the rule may determine, without the rent of the residence being increased.

IV. When Government supplies a Government servant with a residence leased or owned by Government, the following conditions *shall be observed*:—

(a) The scale of accommodation supplied shall not, except at the officer's own request, exceed that which is appropriate to the status of the occupa[illegible]t.

[1](b) Unless in any case it be otherwise exp[illegible]sly provided in these rules, he shall pay—

(i) rent for the residence, such rent b[illegible] standard rent as defined in clause III above [illegible] monthly emoluments, whichever [illegible]

(ii) municipal and other taxes payable b[illegible] respect of the residence not being in t[illegible] or property tax. IV

8/9.5 decision

(c) Nothing contained in clause (b) above shall [illegible] vent a Local Government from—

(i) grouping, after the standard rents have been [illegible] under the provisions of clause III above, a n[illegible] residences, whether in a particular area, or of [illegible] cular class or classes for the purpose of assessment of rent, subject to the following conditions being fulfilled.—

(1) that the basis of assessment is uniform, and

(2) that the amount taken from any Government servant shall not exceed 10 per cent of his emoluments;

(ii) taking a rent in excess of 10 per cent. of his emoluments from a Government servant—

(1) who is not under its own administrative control, or

(2) who is not required or permitted to reside on duty at the station at which the residence is supplied to him, or

[1] This revised sub-clause has effect from the 10th November 1931

(3) who, at his own request, is supplied with accommodation which exceeds that which is appropriate to the status of the post held by him, or

(4) who is in receipt of a compensatory allowance granted on account of dearness of living.

V. In special circumstances, for reasons which should be recorded, a Local Government—

(a) may, by general or special order, grant rent-free accommodation to any Government servant or class of Govern-

No. 648.

Page 57, Section II, F. R. 45 B—Delete the words "meter hire and" occurring in the 6th line of Clause VI of this Rule

[G. I., F. D., notification No. F 15(10) Ex I/41, dated the 29th October 1942.]

(No. 648, dated the 28th November 1942.)

or electricity supply ... maintained at the cost of Government, rent ... these in addition to the rent payable under clause IV. The tenant will also be required to pay ~~meter hire and~~ the cost of the water, electric energy, etc., consumed. A local Government may make rules prescribing how the additional rents and charges shall be determined, and such rules may also authorise the remission or reduction of the additional rent or charge in special circumstances for reasons which should be recorded.

VII. Nothing contained in this rule shall so operate as to require payment of rent, for the occupation of residences supplied by Government, by those servants of the Crown in India who have been exempted from such payment by order of the Secretary of State in Council, or to affect the amount of rent or charges payable by those servants of the Crown in India, in whose case the amount so payable is prescribed by the *Secretary of State in Council.*

[*For rules made by the Governor General in Council, under Fundamental Rule 45B, in his capacity as a Local Government,* see *Supplementary Rules 327 to 335.*]

F. R. 45C. For the purpose of Rules 45A and 45B, "emoluments" means:—

(i) Pay;

[1](ii) Payments from general revenues and fees, if such payments or fees are received in the shape of a fixed addition to monthly pay and allowances as part of the authorised remuneration of a post;

(iii) Compensatory allowances, other than travelling allowance, whether drawn from general revenues or from a local fund;

(iv) Exchange Compensation Allowance;

1 The amended clause has effect from the 14th January 1930

(v) Pension, other than a pension drawn under the provisions of Chapter XXXVIII, Civil Service Regulations, or compensation received under the Workmen's Compensation Act, 1923, as subsequently amended.

[1](vi) In the case of a Government servant under suspension and in receipt of a subsistence grant, the amount of the subsistence grant, provided that if such Government servant is subsequently allowed to draw pay for the period of suspension the difference between the rent recovered on the basis of the subsistence grant and the rent due on the basis of the emoluments ultimately drawn shall be recovered from him.

It does not include allowances attached to the Victoria Cross, the Military Cross, [2][the King's Police Medal, the Indian Police Medal,] the Order of British India or the Indian Order of Merit.

NOTE 1.—The emoluments of a Government servant paid at piece-work rates shall be determined in such manner as the Local Government may prescribe.

NOTE 2.—The emoluments of an officer on leave mean the emoluments drawn by him for the last complete calendar month of duty performed by him prior to his departure on leave.

F. R. 46. [3](a) *Fees*.—Subject to rules made by the Governor General in Council under Rule 46A, a local Government may permit a Government servant, if it be satisfied that this can be done without detriment to his official duties or responsibilities, to perform a specified service or series of services for a private person or body or for a public body including a body administering a local fund or for an Indian State, and to receive as remuneration therefor, if the service be material, a non-recurring or recurring fee.

NOTE.—This clause does not apply to the acceptance of fees by medical officers in civil employ for professional attendance which is regulated by the orders of the Secretary of State in Council.

[3](b) *Honoraria*.—A local Government may grant or permit a Government servant to receive an honorarium from general revenues as remuneration for work performed which is occasional in character and either so laborious or of such special merit as to justify a special reward. Except when special reasons, which should be recorded in writing, exist for a departure from this provision, sanction to the grant or acceptance of an honorarium should not be given unless the work has been undertaken with the prior consent of the local Government and its amount has been settled in advance.

[4](c) *Fees and Honoraria*.—In the case of both fees and honoraria the sanctioning authority shall record in writing that due regard has been paid to the general principle enunciated in Fundamental Rule 11, and shall record also the reasons which in his opinion justify the grant of the extra remuneration.

1 This new clause has effect from the 27th February 1934
2[ ] Inserted with effect from the 5th April 1932
3 This revised clause has effect from the 9th December 1930
4 This clause has effect from the 23rd April 1929

[1]F R 46A. The Governor General in Council may make rules prescribing the conditions and limits subject to which a fee may be received by a medical officer in civil employ for services other than professional attendance.

[2]F. R 47. Subject to the provisions of the rules made by the Governor General in Council under rule 46-A, a local Government may make rules prescribing the conditions and limits subject to which authorities subordinate to it may sanction the grant or acceptance of honoraria, and the acceptance of fees, other than the acceptance of fees by medical officers in civil employ for professional attendance

[*For rules made by the Governor General in Council under Fundamental Rule 47, in his capacity as a Local Government, see Supplementary Rules 9 16*]

[3]F R 48 Any Government servant is eligible to receive without special permission—

No. 279.

Page 59, Section II, F. R. 48—

(i) *Substitute* the following for clause (c) of this Rule —

"(c) any reward payable in accordance with the provisions of any Act or Regulation or rules framed thereunder";

(ii) *Substitute* the words "excise laws, and" *for* the words "excise laws" occurring at the end of clause (d) of this Rule

(iii) *After* clause (d) of this Rule *insert* the following new clause —

"(e) any fees payable to a Government servant for duties which he is required to perform in his official capacity under any special or local law or by order of Government."

(These amendments take effect from the 24th January 1938)

[G I, F D Notification No F I(20) Ex II/37, dated the 24th February 1938]

(No 279, dated the 28th March 1938)

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[1] This revised rule has effect from the 9th December 1930
[2] This revised rule has effect from the 4th June 1929
[3] This revised rule has effect from the 23rd April 1929
[4] This new rule has effect from the 27th June 1933

Chapter VI.—Combination of Appointments.

F. R. 49. A Local Government may appoint one Government servant to hold substantively, as a temporary measure, or to officiate in, two or more independent posts at one time. In such cases his pay is regulated as follows:—

(a) the highest pay, to which he would be entitled if his appointment to one of the posts stood alone, may be drawn on account of his tenure of that post;

[1](b) for each other post he draws such reasonable pay, in no case exceeding half the presumptive pay (excluding overseas pay) of the post, as the Local Government may fix; and

[2](c) if compensatory or sumptuary allowances are attached to one or more of the posts, he draws such compensatory or sumptuary allowances as the Local Government may fix, provided that such allowances shall not exceed the total of the compensatory and sumptuary allowances attached to all the posts.

[1]This amended clause has effect from the 13th March 1928.
[2]This revised clause has effect from the 13th April 1926.

having been absent [illegible]
the period of his absence from India he shall receive throughout his deputation [illegible]ths of the pay which he would have drawn if he had remained on duty in India

(C) *If* he is deputed for duty elsewhere than in Europe and his deputation is not declared by the *Governor General in* Council to be under *quasi* European conditions, his pay shall be determined by the Governor General in Council with due regard to the provisions of Rule 40 of these Rules as though a temporary post had been created—

Provided that—

(a) No Government servant on deputation out of India shall draw pay at a rate exceeding Rs 5,500 per month,

(b) The Governor General in Council may in any case allow a Government servant having his domicile in India to draw during the period of deputation out of India pay not exceeding the full amount of the pay which he would have drawn had he remained on duty in India, in lieu of the pay admissible to him under sub clause (A) or sub-clause (B) of this clause

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[1]This revised rule has effect from the 29th *November* 1932

No. 168.

P[illegible] Section II, F. R. 50—

Insert the following as the Secretary of State in Council's order under this rule as removed by Correction Slip No 167, dated the 30th March 1937.

"*Secretary of State in Council's order.*—Under sub rule (2) of F. R 50, the Secretary of State in [illegible] of the Indian Political D[illegible] 12 months to posts un[illegible] ment outside India which are not included in the duty strength of the Political Department cadre, may notwithstanding the provisions of F. R 50 be made by the Governor General in Council without prior reference to

No. 183.

Page 63, Section II, F. R. 51—

Substitute the following for the words "deputed for duty out of I[illegible] occurring in sub rule (1) of this Rule —

"temporarily deputed for duty out of India either in connectio[illegible] the post held by him in India or in connection with any special d[illegible] which he may temporarily be placed".

(This amendment takes effect from the 2nd February 1937)

(G I F D Notification No F 9 (4) R 1 36 dated the 4th March 1937)

[No 183, dated the 30th March

sent from India for the purpose of his deputation, or having been so sent, includes a period of leave within the period of his absence from India, he shall receive throughout his deputation ⅞ths of the pay which he would have drawn if he had remained on duty in India

(C) If he is deputed for duty elsewhere than in Europe and his deputation is not declared by the Governor General in Council to be under *quasi* European conditions, his pay shall be determined by the Governor General in Council with due regard to the provisions of Rule 40 of these Rules as though a temporary post had been created—

Provided that—

(a) No Government servant on deputation out of India shall draw pay at a rate exceeding Rs 5,500 per month,

(b) The Governor General in Council may in any case allow a Government servant having his domicile in India to draw during the period of deputation out of India pay not exceeding the full amount of the pay which he would have drawn had he remained on duty in India, in lieu of the pay admissible to him under sub clause (A) or sub-clause (B) of this clause

[1]This revised rule has effect from the 29th November 1932

No. 190.

Page 61, Section II, F. R 51-A—

Insert the following Rule after F. R. 51 :—

"F. R. 51-A. When a Government Servant is with proper sanction deputed for duty out of I [illegible] *quasi*-permanent post, o [illegible] to which he belongs, his [illegible] retary of State in Council ".

(This amendment takes effect from the 2nd February 1937.)

(G I, F D Notification No F 9 (4) R 1/36, dated the 4th March 1937)

[No 190, dated the 30th March 1937]

F R.51-A.

No. 113

Page 65, Section II, Chapter VIII—

(i) *Insert* the word "removal" *after* the word "dismissal" in the heading to this Chapter

(ii) *Insert* the words "or removed" *after* the word "dismissed" and the words "or removal" *after* the word "dismissal" occurring in F. R. 52

(These amendments take effect from the 11th February 1936)

[G I., F D., Notification No F 10 (28) R I/35 dated the 9th July 1936]

(No 113, dated the 27th July 1936)

No. 148.

Page 65, Section II, F R 53—

(i) *Delete* the words 'a commissioned officer of the Indian Medical Department or a warrant officer' occurring in lines 3 4 of clause (*a*) of this Rule

(ii) *Insert* the words "or a Military Commissioned Officer on the General Duty List" *after* the words "Supernumerary List' occurring

No 149

Page 65, Section II, F R 54—

Substitute the following for the first two paragraphs of this Rule

"When the suspension of a Government servant is held to have been unjustifiable or not wholly justifiable,

or

When a Government servant who has been dismissed, removed, or suspended is reinstated"

(This amendment takes effect from the 25th August 1936)

[G I., F D., Notifn No F 10 (14) R I/36 dated the 17th September 1936]

(No 149 dated the 28th October 1936)

(b) if otherwise, such proportion of such pay and allowances as *the revising or appellate authority* may prescribe.

In a case falling under clause (a), the period of absence from duty will be treated as a period spent on duty In a case falling under clause (b), it will not be treated as a period spent on duty unless the revising or appellate authority so direct."

(This amendment takes effect from the 9th June 1936)

[G I., F D., Notification No F 10 (28) R I/35, dated the 9th July 1936]

(No 114, dated the 27th July 1936)

under suspension

1 This revised rule has effect from the 14th May 1935

NOTE.—These provisions do not apply to members of the first and second divisions of the Superior Telegraph Traffic Branch (other than officers of the old Superior Telegraph Establishment), nor to those of the second division of the Superior Telegraph Engineering and Technical Branches, whose retirement is governed by clause (a) of this Rule.

(2) Subject to the requirements of this sub-clause as to reappointment, the Local Government may, in special circumstances, which should be recorded in writing, grant an extension of service not exceeding three months, to a Chief Engineer.

(3) No Chief Engineer of the Public Works or Railway Department, and no officer in the Superior Revenue Establishment of State Railways, corresponding in rank to a Chief Engineer, nor any officer holding the Post of Consulting Engineer to the Government of India, shall, without reappointment, hold the post for more than five years, but reappointments to the posts may be as often, and in each case for such period not exceeding five years, as the Local Government may decide, provided that the term of reappointment shall not extend beyond the date on which the Government servant attains the age of 55, or, in the case of a Chief Engineer, more than three months beyond that date.

NOTE.—Officiating service, unless followed by confirmation without interruption in such service, does not count towards the period of five years mentioned in this sub-clause

(vi) The Bishops of Lahore, Rangoon, Lucknow and Nagpur, though borne on the cadre of the Indian Ecclesiastical Establishments, are not subject to any rule requiring their retirements at a particular age.

(vii) The following provisions are applicable to military officers in civil employ:—

[1](1) An officer of the Indian Medical Service must retire from civil employ—

(a) on reaching the age prescribed by Royal Warrant for the retirement of an officer of his rank, unless his service is extended by the grant of leave under *Rule 86, or an extension in special circumstances is* sanctioned by the Secretary of State in Council; or

(b) on completing before reaching such age, the tenure of an administrative post, unless he is thereupon reappointed to that post or appointed to another administrative post:

Provided that a Lieutenant-Colonel who entered the service before the 1st April 1911 and is specially selected for

[1]This revised sub-clause has effect from the 1st April 1930

increased pay may nevertheless be retained in service until he has completed 27 years' service for pension.

(2) Military officers in the Survey of India Department cease to be in civil employ on reaching the age of 55 years unless granted an extension by the Secretary of State in Council.

(3) Military commissioned officers serving in the Public Works or Railway Department cease to be in civil employ under the same conditions as govern the retirement of civil engineers of those departments. In addition, an officer of the Royal Engineers must retire on attaining the rank of General Officer; provided that, if he is holding a post of Chief Engineer, he may, with the sanction of the Governor General in Council, be permitted to complete a five years' tenure of the post, unless in the meantime he is required to vacate office under some other regulation.

(4) Military officers serving in any department, other than those mentioned in (1) to (3) of this sub-clause, cease to be in civil employ on reaching the age of 55 years [1][unless an extension in special circumstances be sanctioned by the Secretary of State in Council]; but any such officer, being a military commissioned officer and having held his post for less than five years, may for special reasons, with the sanction of the Governor General in Council, be permitted to retain it until he has held it for that period.

NOTE 1.—This rule does not apply to a Government servant who is appointed to any post by His Majesty the King Emperor of India, or by the Governor General in Council with His Majesty's approval [2][or who is appointed to be Chairman or a Member of the Public Service Commission].

NOTE 2.—For the purpose of sub-clauses (i), (vii) (3) and (vii) (4) of clause (c) of this rule officiating tenure of a post shall be included in calculating the period of five years

NOTE 3.—The grant, under Rule 86, of leave extending beyond the date on which a Government servant must compulsorily retire, or beyond the date up to which a Government servant has been permitted to remain in service, shall be treated as sanctioning an extension of service up to the date on which the leave expires

Secretary of State's Ruling—

A Royal Engineer Officer must retire from the Army under the rules contained in the Royal Warrant and must vacate his civil appointment under the rules contained in Fundamental Rules *i e*, F R 56 (c) (vii) (2) (3) and (4) which relate to Royal Engineer Officers as well as to Indian Army Officers In common with civil officers Royal Engineer Officers in civil employment would be eligible under the conditions of F R 86 to the grant of leave up to 6 months,

[1][ ] Inserted with effect from the 1st April 1930
[2][ ] Inserted with effect from the 15th March 1932

after the date of compulsory retirement of the civil appointment such leave being under Note 3 to F R 56 regarded as an extension of service

[India Office letter No M 6375 dated the 14th Oct 1925 received with G I F D Endorsement No F 74 R I /29 dated 12th June 1929]

Audit Instructions—

(1) The period of five years referred to in sub clause (c) (i) of this rule begins to run from the date on which the Government servant first takes up the office whether substantively or temporarily, provided that if temporary he is confirmed without reverting to his substantive post but the currency of the period is not interrupted by any subsequent temporary promotion to a higher post i e, the period of temporary promotion is included in the period of five years

[Para 3 Chap IX Sec I of Manual of Audit Instructions (1926)]

(2) The period of five years referred to in sub clause (c) (vii) (3) of this rule begins to run from the date on which the officer first becomes entitled to draw the full pay of the post whether holding the post substantively or only in an officiating capacity provided that if officiating he is confirmed in the post without a break of service

[Para 5 Chap IX Sec I of Manual of Audit Instructions (1926)]

(3) The period of five years referred to in sub clause (c)(vii) (4) of this rule begins from the date on which the officer first takes up the office whether substantively or temporarily provided that if temporary he is confirmed without reverting to his substantive post, but the currency of the period is not interrupted by any subsequent temporary promotion to a higher post i e the period of temporary promotion is included in the period of 5 years

[Para 6 Chap IX Sec I of Manual of Audit Instructions (1926)]

F R 57 *Deleted* [With effect from the 26th April 1927]

PART IV.

Chapter X.—Leave

Section I—*EXTENT OF APPLICATION*

F. R. 58. Unless in any case it be otherwise distinctly provided in section VI of this chapter, the rules in sections I to V of this chapter apply to all Government servants to whom the fundamental rules as a whole apply; provided that it shall be open to any person who is in Government service at the time when the fundamental rules come into force to exercise the option of remaining under the leave rules to which he has hitherto been subject The intention of exercising this option must be specifically declared to the Local Government or the Governor General in Council, as the case may be, within six months of the date on which the fundamental rules come into force or, if the Government servant be on leave on that date, within six months of his return from leave. Every Government servant who does not make such a declaration will become subject to the rules in sections I to V of this chapter The option once exercised is final

NOTE —A similar option may be exercised by the Government servants mentioned in rules 99 and 100

[1]F R 59 (Leav… by a Government servant under … permanent

No. 204

Page 71, Section II, F R 59—

Insert the words " Except as provided in Rules 61 and 62 " at the beginning of this Rule

(This amendment takes effect from the 23rd March 1937)

[G I, F D Notification No F 7 (11) R I/36 dated the 29th April 1937]

(No 204 dated the 28th May 1937)

(a) (i) An officer subject, before such appointment, to the Indian Army Leave Rules, becomes subject to these rules from the date of first substantive appointment to a post in civil employ or from the date of completion of three years' continuous officiating duty in such service, whichever is earlier In reckoning continuous duty—

(1) any period of foreign service to which transfer was made direct from a civil post, may be included, and

(2) leave does not operate to break continuity unless the officer has to revert to military employ in order to obtain such leave

[1]This revised rule has effect from the 29th May 1934

after the date of compulsory retirement of the civil appointment, such leave being, under Note 3 to F R 56, regarded as an extension of service

[India Office, letter No M 6375, dated the 14th Oct 1925, received with G I F D Endorsement No F 74 R I /29, dated 12th June 1929]

Audit Instructions—

(1) The period of five years referred to in sub clause (c) (i) of this rule begins to run from the date on which the Government servant first takes up the office, whether substantively or temporarily, provided that, if temporary, he is confirmed without reverting to his substantive post, but the currency of the period is not interrupted by any subsequent temporary promotion to a higher post, *i e*, the period of temporary promotion is included in the period of five years

[Para 3, Chap IX, Sec I of Manual of Audit Instructions (1926)]

(2) The period of five years referred to in sub clause (c) (vii) (3) of this rule begins to run from the date on which the officer first becomes entitled to draw the full pay of the post whether holding the post substantively or only in an officiating capacity provided that, if officiating, he is confirmed in the post without a break of service

[Para 5 Chap IX, Sec I of Manual of Audit Instructions (1926)]

(3) The period of five years referred to in sub clause (c)(vii) (4) f this rule begins from the date on which the officer first takes up he office whether substantively or temporarily, provided that, if temporary he is confirmed without reverting to his substantive post; but the currency of the period is not interrupted by any subsequent temporary promotion to a higher post *i e*, the period of temporary promotion is included in the period of 5 years

[Para 6 Chap IX Sec I of Manual of Audit Instructions (1926)]

F R 57 Deleted [With effect from the 26th April 1927]

PART IV.

Chapter X.—Leave.

Section I.—*EXTENT OF APPLICATION*

F. R. 58. Unless in any case it be otherwise distinctly provided in section VI of this chapter, the rules in sections I to V of this chapter apply to all Government servants to whom the fundamental rules as a whole apply; provided that it shall be open to any person who is in Government service at the time when the fundamental rules come into force to exercise the option of remaining under the leave rules to which he has hitherto been subject The intention of exercising this option must be specifically declared to the Local Government or the Governor General in Council, as the case may be, within six months of the date on which the fundamental rules come into force or, if the Government servant be on leave on that date, within six months of his return from leave. Every Government servant who does not make such a declaration will become subject to the rules in sections I to V of this chapter The option once exercised is final

NOTE —A similar option may be exercised by the Government servants mentioned in rules 99 and 100

[1]F. R. 59. [Leave ... a Government servant under ... permanent

No. 204

Page 71, Section II, F R 59—

Insert the words "Except as provided in Rules 61 and 62" at the beginning of this Rule

(This amendment takes effect from the 23rd March 1937)

[G I, F D Notification No F 7 (11) R I/36 dated the 29th April 1937]

(No 204 dated the 28th May 1937)

(a) (i) An officer subject, before such appointment, to the Indian Army Leave Rules, becomes subject to these rules from the date of first substantive appointment to a post in civil employ or from the date of completion of three years' continuous officiating duty in such service, whichever is earlier In reckoning continuous duty—

(1) any period of foreign service to which transfer was made direct from a civil post, may be included, and

(2) leave does not operate to break continuity unless the officer has to revert to military employ in order to obtain such leave

[1]This revised rule has effect from the 29th May 1934

NOTE —This rule also applies to commissioned officers transferred from the Army Veterinary Department to the Civil Veterinary Department

(ii) A continuous service officer of the Royal Engineers becomes subject to these rules from the date of his entry into permanent civil employ or from the date of his No. 492. ... whichever is

Pages 71 72, Section II, F R 61—

Insert the following as sub rule (c) of this Rule —

" (c) Notwithstanding the provisions of sub-rules (a) and (b) of this] the leave of military commissioned officers who are borne o[n] Semi-Effective List, Section II, category (vi) shall be governe[d] Rule 100-B. "

[Government of India, Finance Department, Notification No F 7 (81) R I /39 the 8th August 1940]

[G I F D No... (No 492, dated the 28th August 194[0]) (No 205, dated the 28th May 1937)

the said or any subsequent post in civil employ

(c) See Slip 492

Government of India s decisions—

(1) The Governor General in Council has decided that the period of joining time should be included in the period of three years mentioned in rule 61(a)(i) of the Fundamental Rules and therefore a Military Officer transferred from the Army Department to the Civil Department becomes entitled to leave under F R 100 from the date he makes over charge of his duties in the Army Department

[Letter No 325 A /212 30 dated 19th Dec 1930 from the C C A to the A C C R]

(2) *See* Government of India s decision below F R 62

Audit Ruling —Probationary service of a military officer in civil employ counts for leave under civil leave rules

[Ruling (31) Sec IV of Compilation of Audit Rulings]

F R 62 Except as provided in Rule 61, a military officer in civil employ remains subject to military leave rules but his leave ...

Government of India s decision —A Government servant holding a permanent appointment in the Military Department but temporarily employed in the Civil Department continues to remain under the leave rules applicable to his permanent appointment

[G I F D letter No F /203 C S R /27 dated 18th June 1927]

F R 63 When a military commissioned officer subject to these rules is temporarily transferred to military duty, but [1][holds a lien on his post in civil employ or would hold a lien on such a post had his lien not been suspended], the period of his absence counts as duty for leave under these rules

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[1][ ] Substituted for the words retains a lien on his post in civil employ with effect from the 29th May 1934

F. R 64. Unless in any case it be otherwise expressly provided by or under these rules, a Government servant transferred to a service or post to which these rules apply from a service or post to which they do not apply is not ordinarily entitled to leave under these rules in respect of duty performed before such transfer; but a Government servant reverting from duty as Judge of a High Court, or as one of the officers specified in Rule 98 below, may count such duty for leave as though it were duty performed in a vacation department; all leave taken during the service concerned being treated as *taken under these rules*

F. R. 65. [1](a) If a Government servant, who quits the public service on compensation or invalid pension or gratuity, is re employed and if his gratuity is thereupon refunded or his pension held wholly in abeyance, his past service thereby becoming pensionable on ulti-

No. 109.

Page 73, Section II, F. R. 65—

Delete the following occurring in lines 3 4 of clause (*b*) of this Rule :—

"unless the appellate or reviewing authority declares that he shall not so count it in whole or in part".

(This amendment takes effect from the 26th May 1936)

[G. I, F. D., Notification No. F 7 (13) R I/36, dated the 18th June 1936]

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charge is resumed When joining time is allowed to a Government

No. 581.

Page 73, Section II, F R 68—

Insert the following as Auditor General's decision below this Rule —

Auditor General's decision —See item (3) of the Auditor General's decision below Appendix 29 to Volume II of this Compilation, as inserted by correction slip No 311, dated the 27th January 1942

(No 581, dated the 27th January 1942)

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[For rules made by the Governor General in Council under Fundamental Rule 68, in his capacity as a Local Government see Supplementary Rules 209 211]

[1]F. R. 69. A Government servant on leave may not take any service or accept any employment without obtaining the previous sanction of—

(a) the Secretary of State in Council, if the proposed service or employment lies elsewhere than in India; and

(b) the Governor General in Council, or any lower authority empowered to appoint him, if the proposed service or employment lies in India.

Provided that a Government servant who has been granted permission to take any service or accept any employment under this rule, during leave ~~[illegible] retirement~~ shall be precluded, save with the specif

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No. 416.

Page 74, Section II, F R 69—

Insert the following Secretary of State's decision under this rule —

"Secretary of State's decision —See the Secretary of State's decision No 2 under Fundamental Rule 69 in Section III as introduced by correction slip No 415, dated the 28th October 1939

(No 416, dated the 28th October 1939)

F. R. 70. All orders recalling a [illegible] before the expiry of his leave should state whether the return to duty is optional or compulsory. If the return is optional, the Government servant is entitled to no concession If it is compulsory, he is entitled:—

(a) If the leave from which he is recalled is out of India,—

(i) to receive a free passage to India, and, provided that he has not completed half the period of his leave by the date of leaving for India on recall, or three months, whichever period is shorter, to receive a refund of the cost of his passage from India;

(ii) to count the time spent on the voyage to India as duty for purposes of calculating leave; and

[2](iii) to receive leave salary during the voyage to India, and for the period from the date of landing in India to the date of joining his post to be paid leave-salary at the same rate at which he would have drawn it had he not been recalled but returned in the ordinary course on the termination of his leave and for the latter period travelling allowance under rules made in this behalf under Rule 44.

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1 This revised rule has effect from the 21st August 1934

2 This amended sub-clause has effect from the 31st December 1929

[1](b) If the leave from which he is recalled is in India, to be treated as on duty from the date on which he starts for the station to which he is ordered, and to draw travelling allowance under rules made in this behalf under Rule 44 for the journey, but to draw until he joins his post leave-salary only.

[For rules made by the Governor General in Council, in his capacity as a Local Government, governing the drawal of travelling allowance for a journey on recall from leave, see Supplementary Rules 142 and 143]

F. R. 71. No Government servant who has been granted leave on medical certificate may return to duty without first producing a medical certificate of fitness in such form as the Governor General in Council, in the case of a Government servant on leave in Asia, or the Secretary of State in Council, in the case of a Government servant on leave elsewhere, may by order prescribe. A Local Government may require a similar certificate in the case of any Government servant who has been granted leave for reasons of health, even though such leave was not actually granted on a medical certificate.

[For rules made by the Governor General in Council under Fundamental Rule 71 in his capacity as a Local Government, see Supplementary Rules 212 and 213]

F. R. 72. Unless he is permitted to do so by the authority which granted his leave, a Government servant on leave may not return to duty more than fourteen days before the expiry of the period of leave granted to him.

F R. 73. A Government servant who remains absent after the end of his leave is entitled to no leave-salary for the period of such absence, and that period will be debited against his leave account as though it were leave on half average pay, unless his leave is extended by the Local Government Wilful absence from duty after the expiry of leave may be treated as misbehaviour for the purpose of rule 15.

F. R. 74 (a) Subject to any instructions which may be given by the Governor General in Council in connection with the control of the issue of money from treasuries or by the Auditor General in India in order to secure efficiency and uniformity of audit, a Local Government may make rules prescribing the procedure to be followed in India—

(i) in making application for leave and for permission to return from leave,

(ii) in granting leave,

(iii) in the payment of leave-salary, and

(iv) in the maintenance of records of service.

(b) The procedure to be followed elsewhere than in India will be prescribed by the Governor General in Council

[1]This amended clause has effect from the 31st December 1929

[*For rules made by the Governor General in Council, under Fundamental Rule 74 (b), see Supplementary Rules 242 to 262*

For rules made by the Governor General in Council, under Fundamental Rule 74 (a) (i) and (ii), in his capacity as a Local Government, see Supplementary Rules 214 to 241

For rules made by the Governor General in Council, under Fundamental Rule 74 (a) (iv), in his capacity as a Local Government, see Supplementary Rules 196 to 205]

Auditor General's Instructions —The instructions issued by the Auditor General under Fundamental Rule 74(a), are given in Appendix No 8

Section III.—*SPECIAL AND ORDINARY LEAVE RULES.*

F. R. 75. (1) All Government servants who are not hereinafter declared to be subject to the special leave rules shall be subject to the ordinary leave rules.

(2) The following Government servants shall be subject to the special leave rules, namely:—

(a) Any Government servant having at the time of his appointment his domicile elsewhere than in Asia:

Provided that no such Government servant shall be entitled to the benefits of the special leave rules who, prior to such appointment, has, for the purpose of his appointment to any office under the Government or of the conferment upon him by the Government of any scholarship, emoluments, or other privilege, claimed and been deemed to be of Indian domicile;

(b) Any Government servant having at the time of his appointment his domicile in Asia who, prior to the 24th July 1923, had been admitted to the benefits of the European services leave rules under the Civil Service Regulations, or who between the 1st January 1922 and the 24th July 1923, held a post which would have entitled him to such admission had he been subject to the Civil Service Regulations; and

(c) Any Government servant having at the time of his appointment his domicile in Asia who, prior to the 24th July 1923, held substantively an appointment in a department in which the attainment of a certain rank or a certain rate of pay entitled the officer to admission to the benefits of the European services leave rules under the Civil Service Regulations:

Provided that such a Government servant shall only be entitled to the benefits of the special leave rules when he attains that rank or rate of pay:

Provided further that the concession allowed by clause (c) of this rule is not admissible to a Government servant who attains such rank or rate of pay by reason of being promoted by selection from a subordinate service or post after the 24th July 1923.

F. R. 75A. For the purpose of Rule 2 of Rule 75 the domicile of a person shall be determined in accordance with the provisions set out in the Schedule* to these rules:

Provided that a person who was born and has been educated exclusively in Asia and has not resided out of Asia for a total period exceeding six months shall be deemed to have his domicile in Asia unless in the case of a person to whom the proviso in sub-rule 2(a) of Rule 75 does not apply it is proved to the satisfaction of the appointing authority that he did not have his domicile in Asia on that date.

F. R. 75B No Government servant who, after his appointment to a service or post acquires a new domicile, shall thereby lose his right to, or become entitled to admission to, the benefits of the special leave rules.

F. R. 75C. If any question arises as to the domicile of any Government servant at the time of his appointment, the decision thereon of the Secretary of State in Council in the case of persons appointed by him, of the Governor General in Council in the case of persons appointed by him, or of the Local Government in the case of persons appointed by them, shall be final.

Section IV.—*GRANT OF LEAVE.*

F. R. 76 A leave account shall be maintained for each Government servant in terms of leave on average pay.

F. R. 77. (a) In the leave account of a Government servant, who on his entry into Government service becomes subject to these rules, shall be credited:—

(i) If he be under the special leave rules, five-twenty-seconds of the period spent on duty; and

(ii) if he be under the ordinary leave rules, two-elevenths of the period spent on duty

(b) In the leave account of a Government servant other than a military commissioned officer who is already in Government service when he becomes subject to these rules shall be credited:—

(i) If he be under the special leave rules—

(1) The privilege leave which it would, on the date on which he becomes subject to these rules, be permissible to grant to him under the rules in force prior to that date: *plus*

*See page 107 of this volume

(2) one-twelfth of the period prior to that date spent on duty or on privilege leave while subject to the Indian service leave rules of the Civil Service Regulations: *plus*

(3) one-eighth of the period prior to that date spent on duty or on privilege leave while subject to the European service leave rules:

(4) five-twenty-seconds of the period spent on duty subsequent to that date.

(ii) If he be under the ordinary leave rules—

(1) the privilege leave which it would, on the date on which he becomes subject to these rules be permissible to grant to him under the rules in force prior to that date: *plus*

(2) one-twelfth of the period spent on duty or on privilege leave prior to that date. *plus*

(3) two-elevenths of the period spent on duty subsequent to that date

[1]Provided that in the case of a Government servant (other than a Government servant who became subject to these Rules before the 10th April 1934) who becomes subject to these Rules in the calendar year in which he was transferred from military to civil employ, and who before transfer was subject to military leave rules, the credit under this clause shall be reduced by 1/11th of the duty intervening between the date of his becoming subject to these Rules and the termination of the calendar year of transfer, but this reduction shall not be made if privilege leave under the military rules is not admissible in respect of the calendar year of transfer because the officer has not actually performed duty in the Military Department during that year

(c) In the leave account of a military commissioned officer who becomes subject to these Rules shall be credited:—

(1) (i) The privilege leave which, on the date on which he becomes subject to these Rules, it would be permissible to grant to him under the Rules applicable to him prior to that date, or

(ii) the leave on average pay which, on the date on which he becomes subject to these Rules, it would be permissible to grant him under Rule 100, *plus*

cs. slip 343 (2) one-eighth of the period prior to that date spent on duty or on privilege leave during the following periods of service.—

(i) Service under the European Service Leave Rules of the Civil Service Regulations;

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[1]This proviso has effect from the 10th April 1934

[1](ii) Service in India under the Indian Army Leave Rules or the British Army Leave Rules, and

[1](iii) Service out of India under the Indian Army Leave Rules subsequent to the date of first arrival in India, *plus*

[2](3) five-twenty-seconds or two-elevenths of the period spent on duty subsequent to that date according as he is subject to the special leave rules or the ordinary leave rules·

[3]Provided that in the case of an officer (other than an officer who became subject to these Rules before the 4th of December 1928) who becomes subject to these Rules in the calendar year in which he was transferred to civil employ, the credit under this clause shall be reduced by 1/11th of the duty intervening between the date of his becoming subject to these Rules and the termination of the calendar year of transfer, but this reduction shall not be made if privilege leave under the military rules is not admissible in respect of the calendar year of transfer because the officer has not actually performed duty in the Military Department during that year.

NOTE.—A commissioned officer transferred from the Army Veterinary Department to the Civil Veterinary Department shall be considered, for the purposes of this rule, to have been subject to the Indian Army Leave Rules from the date of his arrival in India on his last tour of service

(d) Any other Government servant transferred permanently from military to civil employ is entitled to a credit to his leave account based on such portion of his military duty as, under the rules for the time being in force, is permitted to count for pension

[4]Provided that in the case of a Government servant (other than a Government servant who became subject to these Rules before the 10th April 1934) who becomes subject to these Rules in the calendar year in which he was transferred from military to civil employ, and who before transfer was subject to military leave rules, the credit under this clause shall be reduced by 1/11th of the duty intervening between the date of his becoming subject to these Rules and the termination of the calendar year of transfer, but this reduction shall not be made if privilege leave under the military rules is not admissible in respect of the calendar year of transfer because the officer has not actually performed duty in the Military Department during that year

No. 343.

Page 78, Section II, F. R 77—

Insert the words " or one twelfth in the case of officers commissioned in His Majesty's Indian Land Forces " after the words " one eighth " occurring in the beginning of sub clause (2) of clause (c) of this Rule

(This amendment takes effect from the 11th October 1938)

[G I, F D, Notification No F 7 (45) R I/36, dated the 3rd November 1938]
(No 343, dated the 28th November 1938)

[4] This proviso has effect from the 10th April 1934

[5][ ] Deleted with effect from the 14th May 1935

F. R. 78. The amount of leave debited against a Government servant's leave account is—

(a) the actual period of leave on average pay including any furlough on average pay taken under rules previously in force but excluding special disability leave on average pay under Rule 83 (7), and

(b) half the period of leave on half average pay (other than special disability leave) or on quarter average pay or on leave-salary equal to subsistence grant under the note to Rule 88, or of special disability leave on average pay under Rule 83 (7) (b).

NOTE 1.—No privilege leave taken under the former Civil Leave Rules, or by a military officer under the British or Indian Army Leave Rules before coming under civil rules, is to be debited under (a) above.

NOTE 2.—(i) Under (b) above are to be debited—

(a) Furlough, leave on medical certificate and special leave with allowances taken under either the European Service Leave Rules or the Indian Service Leave Rules as they stood before these rules came into force

[1](b) In the case of a military commissioned officer who becomes subject to these Rules, leave in and out of India on less than full pay actually taken during the following periods of service—

(1) service in India under the Indian Army Leave Rules or the British Army Leave Rules, and

(2) service out of India under the Indian Army Leave Rules subsequent to the date of first arrival in India

Provided that the debit on this account shall not exceed the credit given in respect of such service under Rule 77 (c).

(ii) In the case of a member of the Indian Civil Service or a military commissioned officer subject to these rules other than such an officer who became subject to these rules after 28th February 1928 and is subject to the ordinary leave rules or a chaplain on the Indian Ecclesiastical Establishment, special leave with allowances taken under rules previously in force, and leave not due taken under these rules, up to a combined maximum of three months, reckoned in terms of leave on average pay, shall not be so debited.

NOTE 3—In cases covered by Rule 77 (d), the leave taken during the period of duty on which the credit to the leave account is based is to be debited as prescribed in Notes 1 and 2 above

See Slip 47

F. R. 79 When a Government servant, who has previously been subject to the ordinary leave rules, is admitted to the benefits of the special leave rules, no change shall be made in the amount of leave previously credited and debited to his account, but he shall be entitled to the maximum amount of leave prescribed in Rule 81 (a) (i).

F. R. 80. The amount of leave due to a Government servant is the balance of leave at his credit in the leave account.

[1]This amended sub clause has effect from the 28th January 1930

F. R. 81. [1][Except as may be provided in Rule 81A] leave may be granted to a Government servant at the discretion of the authority entitled to grant the leave, subject to the following restrictions:—

(a) *The maximum amount of leave which may be granted, expressed in terms of leave on average pay, is the privilege* leave which it would be permissible to grant to the Government servant in question, on the date on which he becomes subject to these rules, under the rules applicable to him prior to that date: *plus*

one-eleventh of the period spent on duty subsequent to that date: *plus*

(i) in the case of Government servants under the special leave rules, three years; or

(ii) in the case of Government servants under the ordinary leave rules, two and a half years.

[2]Provided that special disability leave on half average pay or on average pay under Rule 83 (7) (a) shall not be taken into account in calculating the maximum prescribed by this clause, and, in the case of such leave taken on average pay under Rule 83 (7) (b), account shall be taken of only half the period thereof.

(b) The maximum amount of leave on average pay including any furlough on average pay taken under rules previously in force [3][but excluding special disability leave on average pay under Rule 83 (7) (a)] which may be granted is:—

(i) To a Government servant under the special leave rules, eight months at any one time,
and, in all,—

the privilege leave which it would, on the date on which he comes under these rules, be permissible to grant to him under the rules applicable to him prior to that date; *plus*

one-eleventh of the period spent on duty subsequent to that date *plus* one year.

[4](ii) *To a Government* servant under the ordinary leave rules, four months or to such Government servant attached to the Kashgar Consulate-General, six months at any one time,
and, in all,—

the privilege leave which it would, on the date on which he comes under these rules, be permissible to grant to him under the rules in force prior to that date: *plus*

[1] [ ] Inserted with effect from the 1st November 1932
[2] This amended proviso has effect from the 13th April 1926
[3]] Inserted with effect from the 13th April 1926
[4] This amended clause has effect from the 7th September 1927

No. 281.

Page 82, Section II, F. R. 81—

Substitute the words "Ceylon, Nepal, Burma or Aden" *for* the words "Ceylon or Nepal" occurring in the proviso to sub clause (ii) of clause (b) of this Rule

(This amendment takes effect from the 1st February 1938)

[G I, F. D Notification No F. 7(78) R I/37, dated the 3rd March 1938]

(No 281, dated the 28th March 1938)

orders previously in force, to privilege leave for more than four months, the number of months to be taken at one time as prescribed in sub-clauses (i) and (ii) above may be increased, on the first occasion when leave is

No. 100,

Page 82, Section II, F. R. 81—

No. 196

Page 82, Section II, F. R. 81—

Insert the following *Note to* clause (c) of this Rule :—

"NOTE.—In cases where a Government servant who has been granted leave not due under this clause *applies for* permission to retire voluntarily the leave not due shall, if the permission be granted, be cancelled and his retirement shall have effect from the *date* on which such leave commenced."

(This amendment takes effect from the 16th March 1937)

[G. I , F D , Notification No F -7 (47) R I /35, dated the 15th April 1937]

(No 196, dated the 29th April 1937)

[No 100, dated the 25th June 1936]

* Not printed. returns from leave which was not due and which was debited against his leave account, no leave will become due to him until the expiration of a fresh period spent on duty sufficient to earn a credit of leave equal to the period of leave which he took before it was due.

[3]F. R. 81-A. An officer of the Indian Medical Service, holding an administrative post, or promoted to supernumerary administrative rank, shall during any one tenure of such post, or for so long as he holds that rank, not be granted leave exceeding twelve months in all, or eight months at any one time, any leave granted under Rule 86 being included in the maximum period of 12 months, but this maximum shall be increased by three months for each completed year by which the tenure of an administrative post, by reason of an extension, or the period during which an officer has held supernumerary administrative rank, as the case may be, exceeds four years.

[1][ ] Substituted for the words 'India or Ceylon' with effect from the 21st. July 1931

[2]This Note has been introduced with effect from the 4th December 1923

[3]This new rule has effect from the 1st November 1932

F. R. 82. The following provisions apply to vacation departments only:—

(a) A Local Government may make rules specifying the departments or parts of departments which should be treated as vacation departments, and the conditions in which a Government servant should be considered to have availed himself of a vacation.

(b) Vacation counts as duty, but the periods of total leave in Rules 77, 81(a) and 81(b) should ordinarily be reduced by one month for each year of duty in which the Government servant has availed himself of the vacation. If a part only of the vacation has been taken in any year, the period to be deducted will be a fraction of a month equal to the proportion which the part of the vacation taken bears to the full period of the vacation

(c) In cases of urgent necessity, when a Government servant requires leave and no leave is due to him, the periods in Rules 77 and 81 (a), as reduced by clause (b) of this rule, may be increased by one month for every two years of duty in a vacation department.

(d) When a Government servant combines vacation with leave, the period of vacation shall be reckoned as leave in calculating the maximum amount of leave on average pay which may be included in the particular period of leave.

[1]F. R. 83. (1) Subject to the conditions hereinafter specified a local Government may grant special disability leave to a Government servant who is disabled by injury intentionally inflicted or caused in, or in consequence of, the due performance of his official duties or in consequence of his official position.

(2) Such leave shall not be granted unless the disability manifested itself within three months of the occurrence to which it is attributed, and the person disabled acted with due promptitude in bringing it to notice. But the Governor General in Council, if he is satisfied as to the cause of the disability, may permit leave to be granted in cases where the disability manifested itself more than three months after the occurrence of its cause.

(3) The period of leave granted shall be such as is certified by a medical board to be necessary It shall not be extended except on the certif

No. 582

Page 83, Section II, F R 82 (a)—

Insert the following as Auditor General's decision below this Rule —

Auditor General's decision —See item (3) of the Auditor General's decisio below Appendix 29 to Volume II of this Compilation as inserted by correctio slip No 311, dated the 27th January 1942

(No 582, dated the 27th January 1942)

[1]This amended rule has effect from the 13th April 1926

No. 5.

Page 84, Section II, F. R. 83, sub-rule (7)—

(*i*) *Delete* the words "Subject to the maxima and minima prescribed in Rules 89 and 90" occurring in lines 1 and 2 *of this sub-rule* ; and

(*ii*) *Insert* the following at the end of this sub-rule :—

"Provided that the maxima specified in the table in sub-rule (2) [illegible]

(These amendments take effect from the 13th April 1926.)

[G. I., F. D., Resolution No. F.-7-(1)-R. I./33, dated the 22nd August 1935.]

[No. 5, dated the 18th March 1936.]

medical board to be directly attributable to his service with a military force; but in either case, any period of leave granted to such a person under military rules in respect of that disability shall be reckoned as leave granted under this Rule for the purpose of calculating the period admissible.

[2]F. R. 83A. The Governor General in Council may extend the application of the provisions of Rule 83 to a Government servant who is disabled by injury accidentally incurred in or in consequence of the due performance of his official duties or in consequence of his official position, or by illness incurred in the performance of any particular duty which has the effect of increasing his liability to illness or injury beyond the ordinary risk attaching to the civil post which he holds. The grant of this concession is subject to the further conditions:—

(i) that the disability, if due to disease, must be certified by a medical board to be directly due to the performance of the particular duty; and

(ii) that, if the Government servant has contracted such disability *during service otherwise* than with a military force, it must be, in the opinion of the Governor General in Council, so exceptional in character or in the circumstances of its occurrence as to justify such unusual treatment as the grant of this form of leave; and

(iii) that the period of absence recommended by the medical board may be covered in part, by leave under this rule and in part by other leave, and that the amount of special disability leave granted on average pay may be less than four months.

1 This amended clause has effect from the 28th May 1929

2 This rule was introduced with effect from the 13th April 1926

[1]F R 83B (1) A Government servant who has been granted special disability leave under Rule 83, and whose domicile is elsewhere than in Asia, may be granted by the authority which sanctioned the special disability leave, free passage by sea for himself, his wife, and children, to the United Kingdom, or to any port in Europe or in a British colony, dominion, or possession, and on the conclusion of such leave return passage to India, unless he takes leave other than leave on medical certificate in continuation of special disability leave, in which case return passage shall not be granted save with the special sanction of the Secretary of State in Council Provided that the cost of any passages granted under this rule shall not exceed the cost of passages between India and the United Kingdom

(2) Passages granted under this rule may include travel by land between port of embarkation and port of debarkation, and shall be of such class as the sanctioning authority in each case may determine

(3) The Governor General in Council may extend the application of the provisions of clauses (1) and (2) to a Government servant who has been granted special disability leave under Rule 83A, and whose domicile is elsewhere than in Asia, provided that he may, at his discretion grant free passages to the Government servant only, or to the Government servant and his wife only

(4) For the purpose of this rule —

[2](i) the domicile of a Government servant is his domicile at the time of his appointment to Government service, as determined in accordance with the provisions of clause 2 (a) of Rule 75 and of Rules 75 A, B and C

(ii) "child" means a legitimate child (including a step child) residing with and wholly dependent on the Government servant, who, if a female, is unmarried, or, if a male, is under the age of 16

F R 84 Leave may be granted to Government servants, on such terms as the Secretary of State in Council may by general order prescribe to enable them to study scientific, technical or similar problems or to undergo special courses of instruction Such leave is not debited against the leave account

Secretary of State s Rules regarding Study Leave —The rules prescribed by the Secretary of State in Council with reference to this rule to regulate the grant of additional leave to Government servants for the study of scientific technical or similar problems or in order to undertake special courses of instruction are reproduced in Appendix No 9 It has also been decided by the Secretary of State that

[1]This rule was introduced with effect from the 13th April 1936

[2]This amended sub clause has effect from the 31st December 1929

[illegible] study leave [illegible] 2 of the Study Leave Rules.

[illegible] 1925.]

F. R. 85. (a) [1][Extraordinary leave may be granted in special circumstances (1) when no other leave is by rule admissible, or (2) when, other leave being admissible, the Government servant concerned applies in writing for the grant of extraordinary leave]. Such leave is not debited against the leave account. No leave salary is admissible during such leave.

(b) The authority which has the power to sanction leave may grant extraordinary leave as in clause (a) in combination with, or in continuation of, any leave that is admissible, and may commute retrospectively periods of absence without leave into extraordinary leave.

(c) When extraordinary leave is granted to a military officer subject to these rules, he will continue to be treated as in civil employ for all purposes until he is placed on military temporary non-effective pay by the order of a medical board. If, after being placed on military temporary non-effective pay, he returns to duty in India, he will have no claim to reinstatement in civil employ.

[For Administrative Instructions issued by the Governor General in Council regarding "casual leave", see Part I (2) of Appendix 3.]

[2]F. R. 86. (a) Leave at the credit of a Government servant in his leave account shall lapse on the ~~date on which he must compulsorily retire~~ provided that if in sufficient time before that date he has—

(1) formally applied for leave and been refused it, or

(2) ascertained in writing from the sanctioning authority that leave if applied for would not be granted—

in either case the ground of refusal being the requirements of the public service, then the Government servant may be granted, after the date of retirement, the amount of leave so refused subject to a maximum of 6 months.

(b) A Government servant retained in service after the date of compulsory retirement shall earn leave on average pay at the rate of 1/11th of duty performed after that date and shall be allowed to add thereto any amount of leave which could have been granted to him under clause (a) had he retired on that date. The total period which

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[1][ ] Substituted for the words "In special circumstances and when no other leave is by rule admissible, extraordinary leave may be granted" with effect from the 5th April 1932.

[2]This revised rule has effect from the 23rd April 1929.

No F 7(35) R I/43

GOVERNMENT OF INDIA

FINANCE DEPARTMENT

Simla the 30th October 1944

FROM

B GRICE, ESQUIRE,

Assistant Secretary to the Govt of India,

TO

ALL CHIEF COMMISSIONERS

SUBJECT —*Fundamental Rule 86 (b)*

SIR,

I am directed to say that the Secretary of State for India has been pleased to decide that pending the issue of new Leave Rules by him the amendment to Fundamental Rule 86 (b) promulgated with the Finance Department Notification No F 7 (66) R I/40 dated the 17th October 1940 will apply also to the officers under his rule making control

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the leave and half average pay during the remainder, as he may elect; and

(b) If the leave is not due, leave salary equal to half average pay

Provided that when a non gazetted Government servant who was in service on the 24th day of August 1927 takes leave and—

(i) his pay is less than Rs 300, or

(ii) the leave taken does not exceed one month,

his average pay for the purpose of this rule may be taken to be the pay which he would draw in the permanent post held substantively by him at the time of taking leave if this pay be more than the average pay

F R 88 After continuous absence from duty on leave for a period of 28 months, a Government servant will draw leave salary equal to quarter average pay, subject to the maxima and minima prescribed in rules 89 and 90

[1]NOTE —A member of the Indian Civil Service or a military commissioned officer subject to the special leave rules is entitled to leave-salary equal to subsistence grant after this period

F R 89 [2](1) During the first four months of any period of leave on average pay, leave salary is subject to an absolute maximum of Rs 4,000 per mensem, but this provision shall not apply to any Government servant, not being a member of the Indian Civil Service who held on the 28th September 1927, a post to which a salary is attached exceeding Rs 4,000 a month, or to the person who at that date held the office of Auditor General

[1]This amended note has effect from the 28th February 1928

[2]The sub rule (1) was introduced with effect from the 28th September 1927

extraordinary leave may be taken in conjunction with study leave without regard to the maximum prescribed in Rule 2 of the Study *Leave Rules*

[G I F D Res No F 20-(2) C S R./25, dated 4th Feb 1925]

F. R. 85. (a) [1][Extraordinary leave may be granted in special circumstances (1) when no other leave is by rule admissible, or (2) when, other leave being admissible, the Government servant concerned applies in writing for the grant of extraordinary leave]. Such leave is not debited against the leave account *No leave salary is* admissible during such leave

(b) The authority which has the *power to sanction leave may grant* extraordinary leave as in clause (a) in combination with, or in con-*tinuation of, any leave that is admissible, and may commute retros pectively periods of absence without leave into extraordinary leave*

Commissioned

(c) When extraordinary leave is granted to a military officer sub

No. 152.

Page 86, Section II, F R. 85—

Substitute the words "Military Commissioned Officer" for the words "Military Officer" occurring in line 1 of sub rule (c) of this Rule

(This amendment takes effect from the 1st September 1936)

[G I, F D., *Notifn. No F 7 (32) R I/36 dated the 24th September 1936*]

(No 152, dated the 28th October 1936.)

(This amendment takes effect from the 31st March 1936)

[G I, F D, Notification No. F 7 (3) R. I /36, *dated the 23rd April 1936*]

(No 90, dated the 25th May 1936)

in either case the ground of refusal being the requirements of the public service, then the Government servant may be granted, after the date of retirement, the amount of leave so refused subject to a maximum of 6 months

(b) A Government servant retained in service after the date of compulsory retirement shall earn leave on average pay at the rate of 1/11th of duty performed after that date and shall be allowed to add thereto any amount of leave which could have been granted to him under clause (a) had he retired on that date The total period which

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[1][ ] *Substituted* for the words 'In special circumstances and when no other leave is by rule admissible, extraordinary leave may be granted' with effect from the 5th April 1932.

[2]This revised rule has effect from the 23rd April 1929

No F. 7(35)-R I/43

GOVERNMENT OF INDIA.

FINANCE DEPARTMENT.

Simla, the 30th October 1944.

FROM

B GRICE, ESQUIRE,

Assistant Secretary to the Govt. of India,

TO

ALL CHIEF COMMISSIONERS.

SUBJECT —*Fundamental Rule 86 (b).*

SIR,

I am directed to say that the Secretary of State for India has been pleased to decide that pending the issue of new Leave Rules by him the amendment to Fundamental Rule 86 (b) promulgated with the Finance Department Notification No F 7 (66)-R I/40, dated the 17th October 1940, will apply also to the officers under his rule-making control.

...nths. If the ... d it, or ... uthority that ... nents of the ... be granted, ... irement, the ... as.

... 89 and 90, a ... leave-salary ... ge pay, or to ... a portion of the leave and half average pay during the remainder, as he may elect; and

(b) If the leave is not due, leave-salary equal to half average pay

Provided that when a non-gazetted Government servant who was in service on the 24th day of August 1927 takes leave and—

(i) his pay is less than Rs. 300, or

(ii) the leave taken does not exceed one month,

his average pay for the purpose of this rule may be taken to be the pay which he would draw in the permanent post held substantively by him at the time of taking leave if this pay be more than the average pay.

F. R. 88 After continuous absence from duty on leave for a period of 28 months, a Government servant will draw leave-salary equal to quarter average pay, subject to the maxima and minima prescribed in rules 89 and 90.

[1]NOTE —*A member of the Indian Civil Service or a military commissioned officer subject to the special leave rules is entitled to leave-salary equal to subsistence grant after this period*

F. R. 89. [2](1) During the first four months of any period of leave on average pay, leave-salary is subject to an absolute maximum of Rs. 4,000 per mensem, but this provision shall not apply to any Government servant, not being a member of the Indian Civil Service who held on the 28th September 1927, a post to which a salary is attached exceeding Rs 4,000 a month, or to the person who at that date held the office of Auditor General.

[1]This amended note has effect from the 28th February 1928

[2]The sub rule (1) was introduced with effect from the 28th September 1927.

(2) Except during the first four months of any period of leave on average pay, leave-salary is subject to the monthly maxima shown in the following table:—

	Average.		Half Average.		Quarter Average.	
—	Outside Asia.	In Asia.	Outside Asia.	In Asia.	Outside Asia.	In Asia.
	£	Rs.	£	Rs	£	Rs.
Indian Civil Service and military commissioned officers subject to the special leave rules.	222	2,222	111	1,111		
Other Government servants subject to the special leave rules	200	2 000	100	1,000	60	600
Government servants subject to the ordinary leave rules.	150	1,500	75	750	60	600

NOTE 1.—The maximum of average pay does not apply in the case of a Government servant who is entitled, under orders previously in force, to privilege leave for more than four months, during a period equal to that for which he is entitled to privilege leave.

NOTE 2.—The maximum of average pay does not apply to a Government servant serving in a vacation department during a period of leave on average pay equivalent to one month for each year since his last leave during which he has not availed himself of the vacation, and to a proportionate fraction of a month during which he has taken a part only of the vacation; provided that, in the case of a Government servant who is transferred with leave to his credit from a non-vacation to a vacation department the local Government shall decide, on the first occasion on which he takes leave after such transfer, the period not exceeding four months for which the maximum limit of leave-salary shall not be applied to him.

F. R. 90. Subject to the condition that the leave-salary of a Government servant shall in no case exceed his average pay, leave-salary is subject to the monthly minima shown in the following table:—

	Half Average		Quarter Average	
	Outside Asia.	In Asia.	Outside Asia.	In Asia.
	£	Rs.	£	Rs.
Indian Civil Service and military commissioned officers subject to the special leave rules	55½	555	..	.
Other Government servants subject to the special leave rules	33	333	16½	166
Government servants subject to the ordinary leave rules	25	250	12½	125

No. 282.

Page 89, Section II, F. R. 90—

Substitute the words "Ceylon, Nepal, Burma or Aden" *for* the wor 'Ceylon or Nepal" occurring in Note I to this Rule

(This amendment takes effect from the 1st February 1938)

[G I, F D Notification No F 7(78) R I/37, dated the 3rd March 1938]

(No 282, dated the 28th March 1938)

he came under these Rules or under the European Service Leave Rules of the Civil Service Regulations as the case may be. In the case, however, of an officer of the Royal Engineers who elects to take leave under Civil Leave Rules after completing five years' service the minimum for so much of the leave credited as has been earned by service in civil employment shall be at the rate of £55½ out of Asia, and Rs 555 in Asia, or the pay last drawn by him on duty whichever is less

NOTE 3.—A military commissioned officer subject to these rules, who is granted leave on medical certificate in excess of the amount earned by him under both the civil and military rules, may be allowed the civil minimum rate of leave-salary for the period of leave taken in excess of the amount so earned

[5]F R 91 (1) That portion of leave-salary which represents overseas pay drawn in sterling shall be paid in all cases in sterling [6][and unless the Government servant exercises his option under sub-rule (4) of drawing it in a Dominion or Colony along with the balance of his leave-salary, the payment shall be made by the High Commissioner for India in London].

[1]This amended Note has effect from the 28th February 1928

[2][ ] Inserted with effect from the 21st July 1931

[3][ ] Omitted with effect from the 21st July 1931

[4][ ] Inserted by G I F D Notfn No F 145 R 1/30 dated 5th January 1931

[5] This revised rule was introduced with effect from the 17th March 1925

[6][ ] Added with effect from the 19th February 1935

No 230.

Page 90, Section II, F R. 91—

Insert the following as a note below sub-rule (2) of this rule :—

" Note.—For the purpose of this rule Cyprus shall be regarded as outside Asia ".

(This amendment takes effect from the 13th July 1937)

[*G* I. F D. Notification No F 7 (42) R. I./37, dated the 12th August 1937]

(No *230, dated the* 28th September 1937)

" (a) in the case of leave on average pay not exceeding four months, or of the first four months of such leave if it exceeds four months, leave salary due in respect of an initial period of such leave spent in Asia may, if the Officer proceeds out of Asia during the currency of such leave, or within one mo of its termination, be drawn in sterling and leave salar respect of an initial period of such leave spent ou may be drawn in rupees ".

(This amendment takes effect from the 13th August 1935)

[G I, F. D, Notification No F 7 (41) R I/35, dated 5th September 19

[No 14, dated the 18th March 193

... shall be drawn in London, or, at the Government servant's option, in any British Dominion or Colony which the Secretary of State in Council may by order prescribe for the purpose, provided that the officer spends his leave in the Dominion or Colony in which he has elected to draw his leave-salary, but if leave-salary due in respect of any portion of leave out of Asia and payable to the Government servant in sterling remains undrawn for no fault on his part, the ~~Governor General in Council~~ Local Government may authorise the undrawn amount to be paid in India at such rate of exchange as the Secretary of State in Council may by order prescribe

[*For a list of British Dominions and Colonies in which leave-salary may be drawn in sterling see Appendix 9A*]

(5) Leave salary shall be converted into sterling at such rate of exchange as the Secretary of State in Council may by order prescribe

—(b) See ... See also ...

F R 92 The rupee and sterling maxima and minima prescribed in Rules 89 and 90 shall be applied to leave salaries paid respectively in rupees and in sterling

F. R 93. A compensatory allowance should ordinarily be drawn only by a Government servant actually on duty, but a local Government may make rules specifying the conditions under which a Government servant on leave [3][* * *] may continue to draw a compensatory allowance, or a portion thereof, in addition to leave-salary

[1]This amended sub rule has effect from the 21st December 1926

[2]This revised rule was introduced with effect from the 17th March 1925

[3][ ] Deleted with effect from the 27th January 1931

(ii) An official, being a member on the active list of a regular service, appointed to be *President* of a Council, shall be treated as retaining, *during his tenure*, his right to any leave which he had earned and which was due to him at the time when he assumed the office of President, and shall be *entitled* to enjoy such leave on or *after* the termination of his office of President on the allowances which *would* be admissible without taking account of the salary drawn as President

The Secretary of State has left to the discretion of His Excellency the Governor *the settlement* of any question of detail which may arise

[G I, F D, Res No 1130 C S R, dated 5th Oct 1922.]

Government of India's decision—Section 96-B of the Government of India Act is not applicable to *elected* Presidents and Fundamental Rule 94 A and the orders *of the* Secretary of State set out thereunder were therefore intended to apply only to the then appointed Presidents *and not to elected* Presidents There can thus be no question *of anything describable* as 'leave' of any kind being granted to or enjoyed by *an elected* President of a legislative body in India Section 63 C (2) of the Government of India Act however provides that the *Deputy President* shall preside at meetings in the absence of the *President*, and there is nothing to prevent the Governor permitting the temporary *absence of the President* for a limited period *e g* in the case *of sudden* illness or similar cause The President can *travel at Government expense* only when his journeys are concerned with the business *of the council*, *e g* a journey from (or to) his home to preside *over the Council*, a journey to Simla or Delhi to attend a Conference of Presidents, a journey to the venue of some other Council *to study* its procedure—and the like A claim for reserved accommodation by a *President should* therefore be accompanied by a certificate that the journey *is official and*, if the audit officers question its admissibility, the *decision* of the Governor should be final

[Ar Gl's Endt No 56 N/166 32 dated the 12th April 1933]

[1]F. R 94B. ~~Except as provided by Rule 61~~, the Rules in Sections I to V ...

No. 206.

Page 92, Section II, F. R 94 B—

Substitute the words "Except as regards Military officers in Civil employment, to whom Rules 61 and 62 apply", for the words "Except as provided by Rule 61" occurring in the beginning of this Rule.

(This amendment takes effect from the 23rd March 1937.)

[G I, F. D, Notification No F 7 (11) R I /36, dated the 29th April 1937]

(No 206, dated the 28th May 1937)

... Rangoon, Lucknow and Nagpur.

[1]This new rule was introduced with effect from the 1st May 1923

Secretary of State's Rules—The rules made by the Secretary of State in Council on 7th June 1923 governing the leave and the leave-salary of Chaplains of the Church of England and Church of Scotland on the Bengal, Madras and Bombay Ecclesiastical Establishments, including the Bishops of Lahore, Rangoon, Lucknow and Nagpur will be found in Government of India, Education and Health Department, No 237, dated the 3rd August 1923, and No 350, dated the 2nd November 1923

F. R. 96. The only form of leave which may be granted to a Lieutenant-Governor, whether substantive or officiating, is leave on medical certificate for not more than six months On resuming his duties after such leave, he may receive leave salary equal to half his pay for the period of absence If he does not resume his duties, he may draw the leave salary to which he would have been entitled under rule 97 had he vacated his post before taking leave

[1]F. R 97. (1) When a Government servant, who has held the office of Governor, Lieutenant-Governor, or member of the Executive Council of the Governor General, or of a Governor or Lieutenant-Governor, takes leave after vacating such office, there shall be credited in his leave account a period equivalent to the leave which would have been earned under the rules in sections I to V, if the duty rendered as Governor, Lieutenant Governor, or member had been rendered, in one of the posts to which these rules appl[illegible] leave which he has taken during h[illegible] to his leave [illegible]

Page 73, Section II, F.R. 97.—*Insert* the words "of a First Class Resident o[illegible]" ... in line 2 of clause (2) of this Rule.
[No. 725 ... occurring ... dated the 31st January 1944]
[...]rds "or the post" ...
[...] D., Notification No D 23 PI/44, dated the 31st January 1944] (No. 725, dated the 28th March 19[illegible]

[2][(2) When a Government servant holding substantively any of the offices referred to in sub-rule (1) of this Rule or the post of Chief Engineer of the Public Works Department takes leave immediately on vacating his office or post, or if an officer of the Indian Medical Service holding an administrative post is given leave under Rule 86, he shall during the leave be left without a lien on any permanent post]

[3][(3) If leave is taken immediately on vacating the post of Chief Commissioner, Chief Engineer of the Railway Department or posts held by officers in the Superior Revenue Establishment of State Railways corresponding in rank to a Chief Engineer, the suspended lien of the Government servant which would otherwise revive under Rule 14 (e) may be terminated and the Government servant left during the leave without a lien on any permanent post]

[1] This revised rule was introduced with effect from the 28th September 1927
[2] [ ] This revised sub rule has effect from the 29th May 1934
[3] [ ] This new sub rule has effect from the 29th May 1934

(ii) An official being a member on the active list of a regular service, appointed to be President of a Council, shall be treated as retaining, during his tenure his right to any leave which he had earned and which was due to him at the time when he assumed the office of President, and shall be entitled to enjoy such leave on or after the termination of his office of President on the allowances which would be admissible without taking account of the salary drawn as President

The Secretary of State has left to the discretion of His Excellency the Governor the settlement of any question of detail which may arise

[G I, F D Res No 1130 C S R dated 5th Oct. 1922]

Government of India's decision—Section 96 B of the Government of India Act is not applicable to *elected* Presidents and Fundamental Rule 94 A and the orders of the Secretary of State set out thereunder were therefore intended to apply only to the then appointed Presidents and not to *elected* Presidents There can thus be no question of anything describable as leave of any kind being granted to or enjoyed by an elected President of a legislative body in India Section 63 C (2) of the Government of India Act however provides that the Deputy President shall preside at meetings in the absence of the President and there is nothing to prevent the Governor permitting the temporary absence of the President for a limited period e g in the case of sudden illness or similar cause The President can travel at Government expense only when his journeys are concerned with the business of the council e g a journey from (or to) his home to preside over the Council, a journey to Simla or Delhi to attend a Conference of Presidents, a journey to the venue of some other Council to study its procedure—and the like A claim for reserved accommodation by a President should therefore be accompanied by a certificate that the journey is official and if the audit officers question its admissibility the decision of the Governor should be final

[Ar Cl s Ft lt No 56 A/166 32 dated the 12th April 1933]

[1]F R 94B ~~Except as provided by Rule 61~~, the Rules in Sections I to V ~~except ... ... Govern...~~

No. 206.

Page 92, Section II, F R 94-B—

Substitute the words " Except as regards Military officers in Civil employment, to whom Rules 61 and 62 apply ", for the words " Except as provided by Rule 61 " occurring in the beginning of this Rule

(This amendment takes effect from the 23rd March 1937)

[G I, F D., Notification No F 7 (11) R I /36 dated the 29th April 1937]

(No 206, dated the 28th May 1937)

— ... ..., Rangoon, Lucknow and Nagpur

[1]This new rule was introduced with effect from the 1st May 1923

Secretary of State's Rules —The rules made by the Secretary of State in Council on 7th June 1923 governing the leave and the leave-salary of Chaplains of the Church of England and Church of Scotland on the Bengal, Madras and Bombay Ecclesiastical Establishments, including the Bishops of Lahore, Rangoon, Lucknow and Nagpur will be found in Government of India, Education and Health Department, No 237, dated the 3rd August 1923, and No 350, dated the 2nd November 1923

F. R. 96. The only form of leave which may be granted to a Lieutenant-Governor, whether substantive or officiating, is leave on medical certificate for not more than six months On resuming his duties after such leave, he may receive leave salary equal to half his pay for the period of absence If he does not resume his duties, he may draw the leave salary to which he would have been entitled under rule 97 had he vacated his post before taking leave

[1]**F. R 97.** (1) When a Government servant, who has held the office of Governor, Lieutenant-Governor, or member of the Executive Council of the Governor General, or of a Governor or Lieutenant-Governor, takes leave after vacating such office, there shall be credited in his leave account a period equivalent to the leave which would have been earned under the rules in sections I to V, if the duty rendered as Governor, Lieutenant Governor, or member had been rendered, in one of the posts to which these rules apply ... leave which he has taken during ... to his leave ...

Page 93, Section II, F R. 97.—*Insert* the words "of a First Class Resident or" ... of clause (2) of this Rule.
(No. 725 ... 1944.)
... words "or the post" occurring in line 2 of clause (2) ... P.D., Notification No D 23 PI/44, dated the 31st January 1944.]
(No. 726, dated the 28th March 19...)

[4][(2) When a Government servant holding substantively any of the offices referred to in sub rule (1) of this Rule or the post of Chief Engineer of the Public Works Department takes leave immediately on vacating his office or post, or if an officer of the Indian Medical Service holding an administrative post is given leave under Rule 86, he shall during the leave be left without a lien on any permanent post]

[3][(3) If leave is taken immediately on vacating the post of Chief Commissioner, Chief Engineer of the Railway Department or posts held by officers in the Superior Revenue Establishment of State Railways corresponding in rank to a Chief Engineer, the suspended lien of the Government servant which would otherwise revive under Rule 14 (e) may be terminated and the Government servant left during the leave without a lien on any permanent post.]

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[1] This revised rule was introduced with effect from the 28th September 1927
[2] [ ] This revised sub rule has effect from the 29th May 1934
[3] [ ] This new sub rule has effect from the 29th May 1934

F. R. 98. The following provisions apply to such holders of the *posts enumerated below as are not members of the Indian Civil* Service [1]*[subject to the special leave rules under Rule 75]:—*

(1) Judges of a Chief Court.

(2) Chief Judges of Small Cause Courts of Presidency towns and of Rangoon.

(3) The Secretary to the Government of India in the Legislative Department.

(4) A Judicial Commissioner or Additional Judicial Commissioner of the Central Provinces.

(5) The Administrator-General, and Official Trustee in Bengal, Madras or Bombay.

(6) The Administrator-General, Official Trustee, Official Assignee, and Official Receiver in Burma.

(7) An Additional Judicial Commissioner of Sind or of the North-West Frontier Province.

Such Government servants are entitled to leave on the terms which apply to Judges of High Courts by rules made under Section 104 of the Act, subject, however, to the following modifications, namely:

(a) their leave-salary shall not exceed, while on ordinary furlou or on subsidiary leave, half average pay, and while furlough on full allowance, average pay; and

(b) the holders of posts which have not been declared by the Local Government under Rule 82 (a) to belong to a va tion department are entitled in lieu of the leave credil to the furlough account of a High Court Judge unc the Rules made under Section 104 because of his havi been detained on duty as a Vacation Judge, to a crec in their leave account of a period equal to one-eleven of the period of actual service performed.

Audit Instruction.—Proviso (*a*) of this rule does not override ru 16 of the High Court Judges (India) Rules, 1922, which prescribes the amount of leave salary payable during leave, but is to operate in addition to rule 16 of the High Court Judges Rules

[Para 37, Chap X Sec I of Manual of Audit Instructions (1926)]

F. R 99. The following law officers are entitled to leave under the rules applicable to members of the Indian Civil Service, provided that their pay as Government servants is fixed at a definite rate and that their whole time is retained for the service of Government:—

An Advocate General.

A Standing Counsel.

An Official Trustee or Assignee.

A Receiver of a High Court.

[1] [ ] The qualifying clause—subject to the special leave rules under Rule 75—was introduced with effect from the 23rd November 1926

An officer of a High Court holding a post which by law can be held by a barrister only.

A Secretary or Assistant Secretary in the Legislative Department of a local Government.

A Remembrancer, Deputy Remembrancer or Assistant Remembrancer of Legal Affairs.

A Government Advocate or Assistant Government Advocate.

A Clerk of the Crown.

A Government Solicitor.

F. R. 100. The following provisions apply to military officers in civil employ who remain subject to military leave rules (other than military officers serving with such Front er Irregular Corps as may be specified in this behalf by the Governor General in Council) [1][and to non-commissioned officers in civil employ]:—

(a) A local Government may grant to such an officer leave of the following kinds:—

[2](i) Leave on average pay for four months at a time, not exceeding, in all, the privilege leave which it would be permissible to grant to him under the rules applicable to his case on the date on which he became ...h of the duty per- ...g of the calendar ...became subject to

... military rules is ... calendar year of ...ot actually per- ...ment during that ... average pay shall commence on the date on which he becomes subject to this Rule:

Provided further that, in the case of an officer who became subject to this Rule before the 4th of December 1928 and who took privilege leave under military rules ending during the first six months of the calendar year in which he became subject to this Rule, duty counting for leave on average pay shall begin from a date six months after the end of such privilege leave but so that in no case shall duty performed before the date on which he became subject to this Rule count.

[1][ ] The words—and to non-commissioned officers in civil employ—were introduced with effect from the 1st December 1925.

[2]This revised sub-clause has effect from the 4th December 1928.

No. 394.

Page 96, Section II, F R 100—

Insert the following further proviso after the provisos to sub clause of clause (a) of this Rule —

"Provided further that an [illegible] who is temporarily reverted to [illegible] remained subject to this Rule throughout the period [illegible] civil post, any privilege leave taken under Military Leave Rules during period being treated as leave on average pay taken under this Rule."

(This amendment takes effect from the 3rd April 1939)

[G I. F D. Notification No F 7 (15) R I/39, dated 2nd June 1939]

[No 394, dated the 1st July 1939

NOTE — orders provi[illegible] number of [illegible] (i) above n[illegible] under these [illegible] privilege le[illegible]

(b) The total period of leave should be regulated by the limits in force under the military rules to which the officer is subject.

(c) Leave may be retrospectively commuted by the authority which granted it into any other kind of leave which was admissible to the officer concerned at the time when it was granted.

Provided that, except in the case of an officer holding substantively a [1][tenure post], no leave under sub-clause (ii) of clause (a) of this rule may be granted to an officer unless the local Government is prepared to re employ him immediately upon the termination of the leave.

Provided also that in the case of an officer holding substantively a [1][tenure post], leave under sub-clause (i) of clause (a) may be granted so as to extend beyond the expiry of such term if the leave has been applied for in sufficient time before the expiry of the fixed term and refused owing to the exigencies of the public service.

Government of India's decision —Vide Government of India's decision below F R 61

[2]F. R. 100A Unless the Secretary of State in Council in any case otherwise directs, the following provisions apply to Government servants placed on deputation out of India under conditions, declared by the Governor General in Council to be *quasi* European, if the period of the deputation exceeds one year:—

(a) The period of deputation shall not count as duty for the purposes of this Chapter.

[3](b) The amount of leave which can be earned by the deputation shall be determined by the Secretary of State in Council Such leave can only be taken during the period of deputation and will not be credited or debited in the Government servant's leave account.

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[1] [ ] The words "tenure post" were substituted for the words "permanent post for a fixed term" with effect from the 18th March 1930

[2] The new rule was introduced with effect from the 20th October 1926

[3] This revised clause has effect from the 24th May 1927

No. 493.

Page 97, Section II, F. R. 100-B—

Insert the following new Rule below F. R. 100-A :—

"*F. R. 100-B.*—The following provisions apply to military commissioned officers in civil employment who are borne on the Semi-Effective List, Section II, category (vi) :—

(1) The amount of leave in terms of leave on half average pay for which an officer is eligible shall be calculated, during the current year in which he is transferred to civil employment, at the rate of one-eleventh, and, thereafter, three-elevenths, of the period spent on duty :

Provided that where privilege leave under military rules is not admissible in respect of the current year of transfer the calculation shall be made at the rate of three-elevenths from the date of transfer.

(2) The maximum amount of leave which may be ... at any ...

No. 700.

Page 97, Section II, *F. R. 100-B*—

Insert the following as Government of India's decision below this rule, by correction slip No. 493, dated the 28th August 1940 :—

"*Government of India's decision.*—*See* item (2) of Government of India ... below Fundamental Rule 100 in this Section, as inserted by correction ... dated the 28th August 1944."

(No. 700, dated the 2...)

... earned under this rule but shall ... be taken ... that amount of leave on half average pay for the purpose of clause (2) of this Rule.

(5) Leave on medical certificate on half average pay, and extraordinary leave without pay on medical cer... affairs, may be granted up to a ... each case where the amount of leave ... of this Rule has been exhausted.

(6) Leave under this rule shall normally be taken during the tenure of the officer's appointment but in special circumstances may be taken after its termination but if an officer has reached the age of compulsory retirement the grant of leave to him shall be *subject to the provisions of Rule 86.*"

NOTE.—These amendments shall have effect from the 14th September 1937, and apply only to the military commissioned officers in civil employ transferred to the Semi-Effective List Section II, Category (vi), on or after the 14th September 1937, and not to those who were already transferred before that date.

[Government of India, Finance Department, Notification No. F. 7 (81) R. I/3... dated the 8th August 1940]

(No. 493, dated the 28th August 1940)

... *of State in Council, see Appendix 10*]

[*For rules made by the Governor General in Council under Fundamental Rule 103 in his capacity as a local Government, see Supplementary Rules 284 to 290*]

[1][ ] Substituted for the word 'fees' with effect from the 9th December 19...

F. R. 104. During their period of probation or apprenticeship, probationers and apprentices are entitled to leave as follows.—

(a) If appointed under contract in the United Kingdom with a view to permanent service in India, or if appointed in the United Kingdom, to posts created temporarily with the prospect, more or less definite, of becoming permanent:—

(i) to such leave as is prescribed in their contracts, or, when no such prescription is made,

(ii) (1) when the period of probation is not less than three years, to the same leave which would be admissible if they held permanent posts; or

(2) when the period of probation is less than three years, to leave on average pay up to one-eleventh of the period spent on duty, to which may be added, on medical certificate, leave on half average pay; provided that the total leave granted under this clause shall not exceed three months reckoned in terms of leave on average pay, and

(b) if appointed otherwise, to such leave as is admissible under rules framed on this behalf by the local Government, subject to the proviso in rule 103.

[*For rules made by the Governor General in Council under Fundamental Rule 104 (b) in his capacity as a local Government, see Supplementary Rules 291 and 292.*]

[*For Administrative Instructions issued by the Governor General in Council regarding "Grant of Leave to Probationers and apprentices," see Part V (1) of Appendix 3.*]

Chapter XI.—Joining time.

F. R. 105. Joining time may be granted to a Government servant to enable him—

(a) to join a new post to which he is appointed while on duty in his old post; or

(b) to join a new post,—

— — · · — — average pay of not more than

No. 78.

Page 99, Section II, F. R. 105—

Substitute the following *for* Clause (*d*) of this Rule.—

"(d) (i) to proceed from a specified station to join a post in a place in a remote locality which is not easy of access·

(ii) to proceed on relinquishing charge of a post in a place in a remote locality which is not easy of access to a specified station."

(This amendment takes effect from the 29th January 1936)

[G. I., F. D Notification, No F 3 (6) R I/35, dated the 26th February 1936]

[No. 78, dated the 24th April 1936]

station[1], when the place concerned — which is not easy of access.

[2]Provided that joining time shall not be allowed for the purposes specified in paragraph (c) or paragraph (d) to any person to whom Rule 98 applies.

F R 106 A local Government may make rules regulating the joining time admissible in each of the cases mentioned in rule 105 and specifying the places and stations to which clause (d) of that rule shall apply Such rules should be framed with due regard to the time required for actual transit and for the organization of domestic establishment

[For rules made by the Governor General in Council under Fundamental Rule 106 in his capacity as a Local Government, see Supplementary Rules 293 to 306A]

F R 107 A Government servant on joining time shall be regarded as on duty and shall be entitled to be paid as follows·—

(a) If on joining time under clause (a) of rule 105, he is entitled to the pay which he [3][would have drawn if he had not been transferred], or the pay which he will draw on taking charge of his new post, whichever is less.

[1][ ] Inserted with effect from the 10th November 1931

[2]The proviso takes effect from 9th March 1926—*vide* F D correction No 21, dated 22nd April 1926

[3][ ] The words "would have drawn if he had not been transferred" have been substituted for the words "drew prior to relinquishing charge of his old post" with effect from the 11th September 1929.

PART VII.

Chap'er XII —Foreign Service.

F R 109 The rules in this chapter apply to those Government servants only who are transferred to foreign service after these rules come into force Government servants transferred previously will remain subject to the rules in force at the time of transfer

F R 110 (a) No Government servant may be transferred to foreign serv.ce against his will

(b) A transfer to foreign serv'ce outside India may be sanctioned by the Governor General in Council

NOTE —The Government of Madras is authorised to transfer to service in Ceylon any Government servant other than a member of an all India service

(c) Subject to any restrictions which the Governor General in Council may by general order impose in the case of transfer to the service of an Indian State a transfer to foreign service in India may be sanct oned by the local Government under which the Government servant transferred is serving

F R 111 A transfer to foreign service is not admissible unless—

(a) the duties to be performed after the transfer are such as

No. 118.

Page 101, Section II, F R 113—

Substitute the following for this Rule —

"F. R. 113—A Government servant transferred to foreign service shall remain in the cadre or cadres in which he was included in a substantive or officiating capacity immediately before his transfer, and may be given such substantive or officiating promotion in those cadres as the authority competent to order promotion may decide In giving promotion, such authority shall take into account—

(a) the nature of the work performed in foreign service, and

(b) the promotion given to juniors in the Cadre in which the question of promotion arises "

(This amendment takes effect from the 9th June 1936)

[G I., F D, Notification No F 1 (9) R I/36, dated the 9th July 1936]

(No 118, dated the 27th July 1936)

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ause has effect from the 25th May 1934

and his pay during such joining time will be fixed by the authority sanctioning the transfer in consultation with the foreign employer.

[For orders issued by the Governor General in Council under this rule, see Appendix 11.]

Government of India's decisions—

The Government of India have decided with the approval of the Secretary of State, that a contribution of Rs 15 a month, should, with effect from 1st July 1933, be recovered from foreign employers towards Government's liability under rule 11 (1) of the Rules of the Indian Civil Service (Non European Members) Provident Fund, *in respect of subscribers transferred to foreign service, and that the contribution should be payable during duty only*

[G. I. F. D. ... dated the 5th May 1933.]

No. 693

Page 102 Section II F R 115—

Substitute the following for the existing clause (c) of this Rule —

"(c) (i) Contributions due under clauses (a) & (b) above shall be paid by the Government servant himself, unless the foreign employer *consents to pay them.* Subject to the exceptions and modifications prescribed in regard to railway servants in sub-clause (ii) of this clause such contributions shall not be payable during leave taken while in foreign service.

(ii) The contribution under clause (a) and, in respect of railway servants whose leave is regulated by Sections I to V of Chapter X of these rules, the contribution under clause *(b)*, are not payable by railway servants during leave taken while in foreign service. In respect of railway servants who are governed by the leave rules promulgated in the Railway Board's Resolution No. 8373 E, dated 20th February 1930, the contribution under clause (b) shall also be payable during the period of leave taken while in foreign service, such contribution being calculated on the leave salary actually drawn."

[Government of India, Finance Department, No F 1 (9) R I/43 dated the 30th June 1943.]

[No. 693, dated the 28th July 1943.]

NOTE 2—In the case of Government servants lent to His Majesty's Government or to British colonies or protectorates, the contribution is payable by the employer, *except in the case of Government servants lent to* the War Office, whose contributions are paid in accordance with special arrangements with the War Office

[For Administrative Instructions issued by the Governor General in Council regarding "Procedure for Payment of Contribution", see Part II (a) of Appendix No. 3.]

[1]F. R. 116. The rate of contributions payable on account of pension and leave-salary shall be such as the Governor General in Council may by general order prescribe.

[The rates of contributions prescribed by the Governor General in Council with reference to Fundamental Rules 116 and 117, are given in Appendix 11 A.]

[1] These revised rules have effect from the 5th September 1923.

[1]F. R. 117. (a) The rates of pension contribution prescribed under Rule 116 will be designed to secure to the Government servant the pension that he would have earned by service under Government if he had not been transferred to foreign service.

(b) The rates of contribution for leave-salary will be designed to secure to the Government servant leave-salary on the scale and under the conditions applicable to him. In calculating the rate of leave-salary admissible, the pay drawn in foreign service, *less*, in the case of Government servants paying their own contributions, such part of pay as may be paid as contribution, will count as pay for the purpose of Fundamental Rule 9 (2).

[The rates of contributions prescribed by the Governor General in Council, with reference to Fundamental Rules 116 and 117, are given in Appendix 11-A.]

F. R. 118. *Deleted* [With effect from the 31st December 1929.]

F. R. 119. Subject to any general orders of the Governor General in Council, a local Government sanctioning a transfer to foreign service may—

(a) remit the contributions due in any specified case or class of cases, and

(b) make rules prescribing the rate of interest, if any, to be levied on overdue contributions.

[For rule made by the Governor General in Council, in his capacity as a Local Government, under Fundamental Rule 119 (b), see Supplementary Rule 307.]

F. R. 120. A Government servant in foreign service may not elect to withhold contributions and to forfeit the right to count as duty in Government service the time spent in foreign employ. The contribution paid on his behalf maintains his claim to pension, or to pension and leave-salary, as the case may be, in accordance with the rules of the service of which he is a member. Neither he nor the foreign employer has any right of property in a contribution paid, and no claim for refund can be entertained.

F. R. 121. A Government servant transferred to foreign service may not, without the sanction of the Local Government, accept a pension or gratuity from his foreign employer in respect of such service.

F. R. 122. A Government servant in foreign service in India may not be granted leave otherwise than in accordance with the rules applicable to the service of which he is a member, and may not take leave or receive leave salary from Government unless he actually quits duty and goes on leave.

[For Administrative Instructions issued by the Governor General in Council regarding ***Leave and the Grant of Leave to Government servants in Foreign Service in India,*** *see Part VI (2) of Appendix 3.]*

[1] This revised rule has effect from the 5th September 1928.

and his pay during such joining time will be fixed by the authority sanctioning the transfer in consultation with the foreign employer.

[For orders issued by the Governor General in Council under this rule, see Appendix 11.]

Government of India's decisions—

The Government of India have decided with the approval of the Secretary of State that a contribution of Rs 15 a month, should, with effect from 1st July 1933, be recovered from foreign employers towards Government's liability under rule 11 (1) of the Rules of the Indian Civil Service (Non European Members) Provident Fund, in respect of subscribers transferred to foreign service, and that the contribution should be payable during duty only

[G. I., F. D. ... dated the 5th May 1933.]

No. 693.

Page 102 Section II F R 115—

Substitute the following for the existing clause (c) of this Rule —

"(c) (i) Contributions due under clauses (a) & (b) above shall be paid by the Government servant himself, unless the foreign employer consents to pay them. Subject to the exceptions and modifications prescribed in regard to railway servants in sub-clause (ii) of this clause, such contributions shall not be payable during leave taken while in foreign service.

(ii) The contribution under clause (a) and, in respect of railway servants whose leave is regulated by Sections I to V of Chapter X of these rules, the contribution under clause (b), are not payable by railway servants during leave taken while in foreign service In respect of railway servants who are governed by the leave rules promulgated in the Railway Board's Resolution No. 8373 E, dated 20th February 1930, the contribution under clause (b) shall also be payable during the period of leave taken while in foreign service, such contribution being calculated on the leave salary actually drawn."

[Government of India, Finance Department, No F 1 (9) R I/43 dated the 30th June 1943.]

(No. 693, dated the 28th July 1943.)

NOTE 2—In the case of Government servants lent to His Majesty's Government or to British colonies or protectorates, the contribution is payable by the employer, except in the case of Government servant's lent to the War Office, whose contributions are paid in accordance with special arrangements with the War Office

[For Administrative Instructions issued by the Governor General in Council regarding "Procedure for Payment of Contribution", see Part VI (a) of Appendix No 3.]

[1]F R 116. The rate of contributions payable on account of pension and leave-salary shall be such as the Governor General in Council may by general order prescribe.

[The rates of contributions prescribed by the Governor General in Council with reference to Fundamental Rules 116 and 117, are given in Appendix 11-A.]

[1] These revised rules have effect from the 5th September 1923.

[1]F R 117. (a) The rates of pension contribution prescribed under Rule 116 will be designed to secure to the Government servant the pension that he would have earned by service under Government if he had not been transferred to foreign service

(b) The rates of contribution for leave-salary will be designed to secure to the Government servant leave salary on the scale and under the conditions applicable to him In calculating the rate of leave salary admissible, the pay drawn in foreign service, *less*, in the case of Government servants paying their own contributions, such part of pay as may be paid as contribution, will count as pay for the purpose of Fundamental Rule 9 (2)

[*The rates of contributions prescribed by the Governor General in Council with reference to Fundamental Rules 116 and 117, are given in Appendix 11 A*]

F R 118 *Deleted* [With effect from the 31st December 1929]

F R 119 Subject to any general orders of the Governor General in Council, a local Government sanctioning a transfer to foreign service may—

(a) remit the contributions due in any specified case or class of cases, and

(b) make rules prescribing the rate of interest, if any, to be levied on overdue contributions

[*For rule made by the Governor General in Council in its capacity as a Local Government, under Fundamental Rule 119 (b) see Supplementary Rule 307*]

F R 120 A Government servant in foreign service may not elect to withhold contributions and to forfeit the right to count as duty in Government service the time spent in foreign employ The contribution paid on his behalf maintains his claim to pension, or to pension and leave salary, as the case may be, in accordance with the rules of the service of which he is a member Neither he nor the foreign employer has any right of property in a contribution paid, and no claim for refund can be entertained

F R 121 A Government servant transferred to foreign service may not, without the sanction of the Local Government, accept a pension or gratuity from his foreign employer in respect of such service

F R 122 A Government servant in foreign service in India may not be granted leave otherwise than in accordance with the rules applicable to the service of which he is a member, and may not take leave or receive leave salary from Government unless he actually quits duty and goes on leave

[*For Administrative Instructions issued by the Governor General in Council regarding **Leave and the Grant of Leave to Government servants in Foreign Service in India,** see Part VI (2) of Appendix 3*]

[1] This revised rule has effect from the 5th September 1928

and his pay during such joining time will be fixed by the authority sanctioning the transfer in consultation with the foreign employer.

[For orders issued by the Governor General in Council under this rule, see Appendix 11.]

Government of India's decisions—

The Government of India have decided with the approval of the Secretary of State that a contribution of Rs 15 a month, should, with effect from 1st July 1933, be recovered from foreign employers towards Government's liability under rule 11 (1) of the Rules of the Indian Civil Service (Non European Members) Provident Fund, in respect of subscribers transferred to foreign service, and that the contribution should be payable during duty only

[G. I. F. D. ... dated the 5th May 1933.]

No. 693.

Page 102 Section II, F. R. 115—

Substitute the following for the existing clause (c) of this Rule —

"(c) (i) Contributions due under clauses (a) & (b) above shall be paid by the Government servant himself, unless the foreign employer consents to pay them. Subject to the exceptions and modifications prescribed in regard to railway servants in sub-clause (ii) of this clause such contributions shall not be payable during leave taken while in foreign service.

(ii) The contribution under clause (a) and, in respect of railway servants whose leave is regulated by Sections I to V of Chapter X of these rules, the contribution under clause (b), are not payable by railway servants during leave taken while in foreign service. In respect of railway servants who are governed by the leave rules promulgated in the Railway Board's Resolution No. 8373-E, dated 20th February 1930, the contribution under clause (b) shall also be payable during the period of leave taken while in foreign service, such contribution being calculated on the leave salary actually drawn."

[Government of India, Finance Department, No F 1 (9) R I/43 dated the 30th June 1943.]
[No. 693, dated the 28th July 1943.]

NOTE 2—In the case of Government servants lent to His Majesty's Government or to British colonies or protectorates, the contribution is payable by the employer, except in the case of Government servants lent to the War Office, whose contributions are paid in accordance with special arrangements with the War Office.

[For Administrative Instructions issued by the Governor General in Council regarding "Procedure for Payment of Contribution", see Part VI (a) of Appendix No 5.]

[1]F. R. 116. The rate of contributions payable on account of pension and leave-salary shall be such as the Governor General in Council may by general order prescribe

[The rates of contributions prescribed by the Governor General in Council with reference to Fundamental Rules 116 and 117, are given in Appendix 11 A.]

[1] These revised rules have effect from the 5th September 1929.

[1]F R 117 (a) The rates of pension contribution prescribed under Rule 116 will be designed to secure to the Government servant the pension that he would have earned by service under Government if he had not been transferred to foreign service

(b) The rates of contribution for leave salary will be designed to secure to the Government servant leave salary on the scale and under the conditions applicable to him In calculating the rate of leave salary admissible, the pay drawn in foreign service, *less*, in the case of Government servants paying their own contributions, such part of pay as may be paid as contribution, will count as pay for the purpose of Fundamental Rule 9 (2)

[The rates of contributions prescribed by the Governor General in Council with reference to Fundamental Rules 116 and 117 are given in Appendix 11 A]

F R 118 *Deleted* [With effect from the 31st December 1929]

F R 119 Subject to any general orders of the Governor General in Council, a local Government sanctioning a transfer to foreign service may—

(a) remit the contributions due in any specified case or class of cases, and

(b) make rules prescribing the rate of interest, if any, to be levied on overdue contributions

[For rule made by the Governor General in Council in his capacity as a Local Government, under Fundamental Rule 119 (b) see Supplementary Rule 307]

F R 120 A Government servant in foreign service may not elect to withhold contributions and to forfeit the right to count as duty in Government service the time spent in foreign employ The contribution paid on his behalf maintains his claim to pension, or to pension and leave salary, as the case may be in accordance with the rules of the service of which he is a member Neither he nor the foreign employer has any right of property in a contribution paid, and no claim for refund can be entertained

F R 121 A Government servant transferred to foreign service may not, without the sanction of the Local Government, accept a pension or gratuity from his foreign employer in respect of such service

F R 122 A Government servant in foreign service in India may not be granted leave otherwise than in accordance with the rules applicable to the service of which he is a member, and may not take leave or receive leave salary from Government unless he actually quits duty and goes on leave

[For Administrative Instructions issued by the Governor General in Council regarding ***Leave and the Grant of Leave to Government servants in Foreign Service in India,*** *see Part VI (2) of Appendix 3]*

[1] This revised rule has effect from the 5th September 1928

[1]F. R. 123. (a) A Government servant in Foreign service out of India may be granted leave by his employer on such conditions as the employer may determine In any individual case the authority sanctioning the transfer may determine beforehand, in consultation with the employer, the conditions on which leave will be granted by the employer The leave salary in respect of leave granted by the employer will be paid by the employer and the leave will not be debited against the Government servant s leave account.

(b) In special circumstances, the authority sanctioning a transfer to foreign service out of India may make an arrangement with the foreign employer, under which leave may be granted to the Government servant in accordance with the rules applicable to him as a Government servant, if the foreign employer pays to general revenues leave contribution at the rate prescribed under Fundamental Rule 115.

F. R. 124. A Government servant in foreign service, if appointed to officiate in a post in Government service, will draw pay calculated on the pay of the post in Government service on which he holds a lien [2][or would hold a lien had his lien not been suspended] and that of the post in which he officiates His pay in foreign service will not be taken into account in fixing his pay

F. R. 125. A Government servant reverts from foreign service to Government service on the date on which he takes charge of his post in Government service; provided that, if he takes leave on the conclusion of foreign service before rejoining his post, his reversion shall take effect from such date as the Local Government on whose establishment he is borne may decide

F. R. 126. When a Government servant reverts from foreign service to Government service his pay will cease to be paid by the foreign employer, and his contributions will be discontinued, with effect from the date of reversion

F. R. 127. When an addition is made to a regular establishment on the condition that its cost or a definite portion of its cost shall be recovered from the persons for whose benefit the additional establishment is created, recoveries shall be made under the following rules.—

(a) The amount to be recovered shall be the gross sanctioned cost of the service, or of the portion of the service, as the case may be and shall not vary with the actual expenditure of any month.

(b) The cost of the service shall include contributions at such rates as may be laid down under [3][Rule 116], and the contributions shall be calculated on the sanctioned rates of pay of the members of the establishment.

(c) A local Government may reduce the amount of recoveries or may entirely forego them.

[1] This revised rule has effect from the 5th September 1923.
[2][ ] Inserted with effect from the [illegible]th May 1924
[3][ ] The words "Rule 116" have been substituted for the words "Rule 117" with effect from the 31st December 1929

Chapter XIII.—Service under Local Funds.

F. R. 128. Government servants paid from local funds which are administered by Government are subject to the provisions of Chapters I to XI of these rules

F. R 129 The transfer of Government servants to service under local funds which are not administered by Government will be regulated by the rules in Chapter XII.

F. R 130. Persons transferred to Government service from a local fund which is not administered by Government will be treated as joining a first post under Government, and their previous service will not count as duty performed. A local Government may, however, allow previous service in such cases to count as duty performed on such terms as it thinks fit.

THE SCHEDULE.

(Fundamental Rule 75 A.)

Provisions for the determination of Domicile.

[*Government of India, Finance Department, Resolution No. 1455-C. S R, dated the 18th August 1923*]

1. A person can have only one domicile.

2. The domicile of origin of every person of legitimate birth is in the country in which at the time of his birth his father was domiciled, or, if he is a posthumous child, in the country in which his father was domiciled at the time of the father's death

3. The domicile of origin of an illegitimate child is in the country in which at the time of his birth his mother was domiciled.

4 The domicile of origin prevails until a new domicile has been acquired, and a new domicile continues until the former domicile has been resumed or another has been acquired

5 (1) A person acquires a new domicile by taking up his fixed habitation in a country which is not that of his domicile of origin

(2) Any person may, if the law of any country so provides, and subject to any such provisions, acquire a domicile in that country by making in accordance with the said provisions, a declaration of his desire to acquire such domicile.

Explanation 1—A person is not to be considered as having taken his fixed habitation in a country merely by reason of his residing there in His Majesty's civil or military service or in the exercise of any profession or calling

Explanation 2—A person does not acquire a new domicile in any country merely by reason of residing as part of the family or as a servant of any ambassador, consul, or other representative of the Government of another country

6 The domicile of a minor follows the domicile of the parent from whom he derives his domicile of origin

Provided that the domicile of a minor does not change with that of his parent if the minor is married or holds any office or employment in the service of His Majesty or has set up with the consent of the parent in any distinct business.

7 After marriage a woman acquires the domicile of her husband if she had not the same domicile before and her domicile during the marriage follows the domicile of her husband

Provided that if the husband and wife are separated by the order of a competent court or if the husband is undergoing a sentence of transportation, the wife becomes capable of acquiring an independent domicile.

8 Save as otherwise provided above a person cannot during minority acquire a new domicile.

9 An insane person cannot acquire a new domicile in any other way than by his domicile following domicile of another person.

SECTION III.

FUNDAMENTAL RULES.

(Applicable to members of services under the rule-making control of the Governor General in Council.)

SECTION III.

FUNDAMENTAL RULES.

(Applicable to members of services under the rule-making control of the Governor General in Council.)

SECTION III.

FUNDAMENTAL RULES.

Applicable to members of services under the rule-making control of the Governor General in Council.

Made by the Secretary of State in Council under Section 96B of the Government of India Act, as they stood on the 27th day of May, 1930, and subsequently amended from time to time by the Governor General in Council in exercise of the powers conferred on him by Rules 33 (2), 37, 42 and 44 (d) of the Civil Services (Classification, Control and Appeal) Rules in respect of the personnel under his rule making control

PART I.

Chapter I.—Extent of Application.

F R 1 These rules may be called the fundamental rules. They shall come into force with effect from the 1st January 1922.

Secretary of State's Orders—

(1) The Secretary of State has decided that statutory rules (framed by him) should have effect as hitherto from the date on which they were passed, subject to any special provisions as to the date of effect in the rules themselves

[G I, F D, No D 2358 A, dated 13th Oct 1925 and Part II of A I Cir No 25, dated 13th May 1925]

(2) The Secretary of State has decided that a sanction accorded by him in the absence of any indication to the contrary in the order itself, can only be held to lapse if and when it is superseded by an order of later date

[G I, F D, No D /939 A, dated 28th April 1928]

Government of India's Order—All orders issued by the Government of India prior to 1st January 1922 which are at variance with the Fundamental Rules or the Supplementary Rules framed under them, should be treated as cancelled with effect from that date

[G I, F D, No F 7 (6) C S R 24, dated 5th July 1924]

F R 2 The fundamental rules apply, subject to the provisions of rule 3, to all Government servants whose pay is debitable to civil estimates in India, and to any other class of Government servants in India to which the Secretary of State in Council may by general or special order declare them to be applicable In relation to services under its administrative control, other than all-India services, a local Government may make rules modifying or replacing any of the fundamental rules; provided that—

(a) No such rule shall adversely affect any person who is in Government service at the time when the fundamental rules come into force, and

(b) any such rule which grants any privilege or concession not admissible under the terms of the fundamental rules, or of the Civil Service Regulations as they stand at the time when the fundamental rules are introduced, shall require the sanction of the Secretary of State in Council

Secretary of State s Rule —The Governor General in Council and the Local Government of any Governor s Province may, by general or special orders permit deviations from any provisions of a purely procedural nature contained in any rules made or confirmed under Section 96 B of the Government of India Act provided that such deviations shall not affect the conditions of service the pay and allowances or the pensions of officers subject to the rule making control of the Secretary of State in Council

(This rule has been framed under Sec 96 B (2) of the Govern

No. 55.

Page 112, Section III, F. R 2—

Insert the following as "Government of India's orders" under th Rule —

"*Government of India's orders* —The rule published in the Notific tion No F 8 (25) R II/35, dated the 11th July 1935 [S of S n *quoted above*], delegates power to permit deviations only from provisio of a purely procedural nature, like, for instance, those contained in Pa X of the Civil Service Regulations In other words, it delegates pow to permit deviations from such provisions as are so unimportant that the cannot be regarded as forming part of the conditions of service, and ough not to have formed part of the statutory rules or of those which hav received statutory confirmation under Section 96B of the Governmen of India Act The procedure laid down in rule 55 of the Civil Service (Classification, Control and Appeal) Rules definitely constitutes condition of service, and is, as such, clearly outside the scope of the ru referred to"

[G. I, F D, letter No F 6 (66) R II/35, dated 3rd October 1935]

[No. 55, dated the 18th March 1936.]

Financial Adviser Posts and Telegraphs may be accepted in audit as sanctions of the Finance Department of the Government of India [G I F D No 1453-Ex., dated 20th June 1923]

Auditor General s decision —* * * A Department of the Government of India acting under the rules for the conduct of the business of the Government of India may exercise the power of the Governor General in Council in relation to a subject which it administers and when so doing it acts as the Governor General in Council Section 40 of the Government of India Act however lays down that all orders and other proceedings of the Governor General in Council shall be expressed to be orders by the Governor General in Council Audit is therefore entitled to ask that a Department of the Government of India when intimating an order which can be issued under rule by the Governor General in Council only shall state in the order that it is issued by the Governor General in Council

[Ar G s No 1217 A/477 23, dated 7th Dec 1923]

F. R. 5 The power to make rules or general orders conferred upon local Governments by any of these rules shall be exercised after consideration by the Governor with his executive council and ministers sitting together, but the rules and orders so made shall be made by the Governor in Council or by the Governor and Ministers, according as the service affected is attached to a department dealing with reserved or a department dealing with transferred subjects In the case of services performing duties both in a department dealing with reserved and in a department dealing with transferred subjects, the Governor shall decide by which authority the rules shall be made

[1]F. R 5A. A Local Government may, where power to make rules or general orders is conferred upon it by any of these rules, relax the provisions of rules or orders so made by it in such manner as may appear to it to be just and equitable, subject to the limit of its powers to make such rules or orders·

Provided that where any such rule or order is applicable to the case of any person, the case shall not be dealt with in any manner less favourable to him than that provided by the rule or order.

F. R. 8. A Local Government may delegate to any of its officers, subject to any conditions which it may think fit to impose, any power conferred upon it by these rules with the following exceptions —

(a) all powers to make rules;

(b) the other powers conferred by rules 6, 9 (6) (b), 44, [2][45A, 45B, 45C], 83, 108A, 119, 121 and 127 (c), and by the first proviso to clause (1) of rule 30.

[*Powers delegated by the Government of India, in its capacity as a Local Government under different Fundamental Rules, are*

No. 242.

Page 113, Section III, F R 8—

Cancel correction slip No 128, dated the 25th September 1936 and *substitute* the words "Finance Officer, Communications" *for* the words "Financial Adviser, Posts and Telegraphs" occurring in line 5 of the Government of India's decision below this rule

[G I, F D, Memo No 5776 Ex II, dated the 18th October 1937]

(No 242, dated the 27th November 1937)

Auditor General's decisions—

(1) In cases where the power of interpretation of rules is reserved to the Governor General in Council or the Government of India, e g, Fundamental Rules, Government of India Supplementary Rules, Devolution Rules and the Government of India Act all references relating to amendment or interpretation of these rules should be made direct to the Government of India

[Ar G's No 582 A/128 24, dated 16th Aug 1924 to all Accountants General.]

[In the case of Posts and Telegraphs audit, references to the Government of India should continue to be made by the Accountant General, Posts and Telegraphs]

[A. G P T. No Mis. 1152/F 90(a), dated 27th Aug 1924]

(2) Fundamental Rules are rules made under the Act by the Secretary of State in Council In these rules the Secretary of State has included a specific provision giving the Governor General in Council the power of interpreting the rules As regards the other rules made by the Secretary of State in Council in exercise of the powers conferred upon him by the Act or issued under the Act by the Governor General in Council with the sanction of the Secretary of State in Council, which do not contain a similar provision or in respect of which the Governor General in Council has not been declared to be the interpreting authority, the ultimate authority for interpretation is the Secretary of State in Council and the Auditor General cannot regard himself as bound by an interpretation given by the Governor General in Council

[Ar G's U O I No 39 A/2 25 dated 9th Jan 1925 to G I F D and Ar G s No 183 A/2 25, dated 12th March 1925]

(3) A doubt having arisen whether the general principles of interpretation inculcated in the second sub paragraph of Article 4 of Civil Service Regulations continue to apply in the absence of any specific provision in the Fundamental Rules it is explained for information that the omission does not mean that the principles are to be abrogated The intention is that they are to be followed so far the Fundamental Rules cover pay and allowances and leave Under the Fundamental Rules pay and allowances are earned in respect of periods of duty and it seemed unnecessary to repeat the principle contained in the Civil Service Regulations in the matter The rule as regards title to leave seemed so obvious that it was not deemed necessary to include it in the Fundamental Rules

If the rule relating to claims to pensions is not included in the section of the Fundamental Rules which will eventually deal with pensions it will be issued in the form of an audit instruction.

[Ar G's No 202-A/18-24, dated 5th March 1924]

Chapter II.—Definitions.

F. R. 9. Unless there be something repugnant in the subject or context, the terms defined in this chapter are used in the rules in the sense here explained:—

(1) The *Act* means the Government of India Act.

(2) *Average pay* means the average monthly pay earned during the 12 complete months immediately preceding the month in which the event occurs which necessitates the calculation of average pay:

Provided that:—

[1](a) In respect of any period spent on deputation out of India which has been declared by the Governor-General in Council to be under *quasi*-European conditions the pay which the Government servant would have drawn if on duty in India shall be substituted for the pay actually drawn.

[2](b) In the case of an officer of the Royal Engineers who entered civil employ on or before the 17th September 1925 and who during any period of the preceding twelve months has undergone military training by being attached to a unit for one month his pay for that particular month shall be assumed to be the pay which he drew in the month immediately preceding his training.

[3](c) The average pay of a military officer who is granted rent-free quarters and thereby foregoes lodging allowance in lieu thereof, shall, if he gives up such quarters before going on leave, be calculated as though he had been drawing during the period of occupation the lodging allowance to which he would otherwise have been entitled

NOTE.—The average pay of a member of the Bengal Covenanted Pilot Service shall be calculated at such rates as the Secretary of State in Council may by order prescribe.

Government of India's decisions.—(1) See item (1) of 'Government of India's decisions' under F. R. 51

(2) In the case of a military officer transferred to a Civil Department who proceeds on leave under Fundamental Rule 100 within a few months of his joining the Civil Department, it has been decided that a period of 12 complete months immediately

[1]This proviso has effect from the 24th May 1927

[2]This proviso has effect from the 6th March 1928.

[3]This proviso has effect from the 20th December 1927.

preceding the month in which the leave begins should be taken into account and that in respect of that portion of the period during which the officer was in military employ, his pay in the Military Department which comes within the definition of pay in Fundamental Rule 9 (21) (b) should enter into the calculation of average pay

[Ar G s letter No 167 A/102—32 dated the 22nd July 1932.]

Audit Instructions—

(1) According to the definition of average pay in this Rule the average is to be taken of the monthly pay earned during the 12 complete months immediately preceding the month in which the leave is taken and for this purpose the 12 complete months immediately preceding should be interpreted literally Thus a Government servant who has been on leave from 23rd March 1922 to 22nd July 1922 inclusive is granted leave from 4th February 1923 His average pay should be calculated on the pay earned for the periods 1st February 1922 to 22nd March 1922 and 23rd July 1922 to 31st January 1923 If however a Government servant happens to be on leave for more than 12 months immediately preceding the date on which he takes leave under the Fundamental Rules then the average should be taken of the monthly pay earned during the 12 complete months immediately preceding the month in which the leave originally commenced

NOTE 1—(*Omitted*)

NOTE 2—In the case of a Government servant on foreign service out of India lasting for more than 12 months who on reversion to British service immediately takes leave under the Fundamental Rules the calculation of average pay earned while in Government service should be based on the e months preceding the month in wh

NOTE 3—
clause (c) o
be ignored
such joining

[Para 1

[*Example*
April 1923
1924 In o
periods of (
December 1(

months the fractions $\frac{13}{30}$ and $\frac{22}{31}$ represe
months in April and December 1923 respectively where x is the
by duty from 1st March 1923 to 13th April 1923 and from 10th December 1923 to
29th Fe

No 509

[A G *Page 116, Section III—Fundamental Rule 9 (2)*—

(2) *Insert* the following as ' Government of India s Orders below the rule —

as in [P

" *Government of India s Orders*—See item (6) of the Government of India s Orders under Fundamental Rule 81, as introduced by correction slip No 508, dated the 28th October 1940

(No 509 dated the 28th October 1940)

(3) In the case of a Government servant of a vacat on depart ment, the vacations f lling in the period of 12 complete months immediately preceding the month in which leave is taken should be

No. 388.

Page 117, Section III, F R 9 (2)—

Insert the following as item (5) of the Audit Instructions below this Rule —

India

to Army Service, or such a Government servant belonging to ... Territorial Force while undergoing training with the force, is not a "Military Officer" as defined in F R 9 (16) (b) and in his case "pay" as de

called to Army service or training, and not the "rank pay" actually drawn during the period, should be taken into account for purposes of calculating leave salary based on average pay under the Fundamental Rules

[Manual of Audit Instructions (Reprint) No 33, dated the 1st June 1939]

[No 388, dated the 1st June 1939.]

Rs 250 overseas pay from the 1st July 1923 and drew Rs 1 250 basic pay and £30 overseas pay from the 1st April 1924 is entitled to a leave salary during leave commencing from 1st July 1924 of Rs 1,250+Rs 250 × 9/12 + £30 × 3/12 or Rs 1 250+Rs 187 8 + £7 10

[Ar G s No 1853 Admn /1260 Ac 24, dated 30th Dec 1924]

F. R. 9 (3) *Barrister* means a practising barrister of England or Ireland, and a practising member of the Faculty of Advocates of the Court of Sessions of Scotland It does not include a person who, though called to the Bar, has never practised the profession of barrister

(4) *Cadre* means the sanctioned strength of a service or of an establishment.

(5) *Compensatory allowance* means an allowance granted to meet personal expenditure necessitated by the special circumstances in which duty is performed It includes a travelling allowance but does not include a sumptuary allowance nor the grant of a free passage by sea to or from any place outside India.

Secretary of State s orders — The circumstances which justify the grant to an officer of special pay are entirely different in character from those which justify the grant of a compensatory allowance, a difference emphasised in the definitions of those terms embodied in the Fundamental Rules Those definitions should in my view be strictly construed and in exact compliance required with the conditions stated in them as antecedent to the grant of either special pay or compensatory allowance The grant of compensatory allowance

preceding the month in which the leave begins should be taken into account and that in respect of that portion of the period during which the officer was in military employ, his pay in the Military Department which comes within the definition of pay in Fundamental Rule 9 (21) (b) should enter into the calculation of average pay.

[Ar G's letter No 167 A/102—32, dated the 22nd July 1932.]

Audit Instructions—

(1) According to the definition of "average pay" in this Rule, the average is to be taken of the monthly pay earned during the 12 complete months immediately preceding the month in which the leave is taken and for this purpose "the 12 complete months immediately preceding" should be interpreted literally Thus a Government servant who has been on leave from 23rd March 1922 to 22nd July 1922 inclusive is granted leave from 4th February 1923 His average pay should be calculated on the pay earned for the periods 1st February 1922 to 22nd March 1922 and 23rd July 1922 to 31st January 1923 If, however, a Government servant happens to be on leave for more than 12 months immediately preceding the date on which he takes leave under the Fundamental Rules, then the average should be taken of the monthly pay earned during the 12 complete months immediately preceding the month in which the leave originally commenced

NOTE 1—(*Omitted*)

NOTE 2—In the case of a Government servant on foreign service out of India lasting for more than 12 months who on reversion to British service immediately takes leave under the Fundamental Rules, the calculation of average pay in respect of leave earned while in Government service should be based on the during the 12 complete months preceding the month in wh

NOTE 3— clause (c) o be ignored such joining

[Para 1,

[*Example* April 1923 t 1924 In o periods of d December 19

months, the fractions $\frac{11}{30}$ and $\frac{}{31}$ months in April and December 1923 respectively, where x is the by duty from 1st March 1923 to 13th April 1923 and from 10th December 192 29th Feb

No 509

[A G *Page 116, Section III—Fundamental Rule 9 (2)*—

(2) *Insert* the following as "Government of India's Orders" below the rule —

"*Government of India's Orders*—See item (6) of the Government of India's Orders under Fundamental Rule 81, as introduced by correction slip No 508, dated the 28th October 1940

(No 509, dated the 28th October 1940)

(3) In the case of a Government servant of a vacation department the vacations falling in the period of 12 complete months immediately preceding the month in which leave is taken should be

No. 388.

Page 117, Section III, F R 9 (2)—

Insert the following as item (5) of the Audit Instructions below this Rule —

India

overnment servant belonging to the India Army Reserve of Officers ... called to Army Service, or such a Government servant belonging to the Indian Territorial Force while undergoing training with the force, is not a "Military Officer" as defined in F R 9 (16) (*b*) and in his case "pay" as de ... "rank pay" received ... In such cases the pay which the Gov ... ived if he had not been called to Army service or training, and not the "rank pay" actually drawn during the period, should be taken into account for purposes of calculating leave salary based on average pay under the Fundamental Rules

[Manual of Audit Instructions (Reprint) No 33, dated the 1st June 1939]

[No 388, dated the 1st June 1939]

Rs 250 overseas pay from the 1st July 1923 and drew Rs 1 basic pay and £30 overseas pay from the 1st April 1924 is entitled to a leave salary during leave commencing from 1st July 1924 Rs 1,250+Rs 250 × $\frac{9}{12}$ + £30 × $\frac{3}{12}$ or Rs 1 250+Rs 187 8 + £7

[Ar G s No 1653 Admn /1260 Ac 24 dated 30th Dec 1924]

F. R. 9. (3) ***Barrister*** means a practising barrister of Engl or Ireland, and a practising member of the Faculty Advocates of the Court of Sessions of Scotland It d not include a person who, though called to the Bar, never practised the profession of barrister

(4) ***Cadre*** means the sanctioned strength of a service or of establishment.

(5) ***Compensatory allowance*** means an allowance granted meet personal expenditure necessitated by the spec circumstances in which duty is performed It inclu a travelling allowance but does not include a sumptu allowance nor the grant of a free passage by sea to from any place outside India

Secretary of State's orders — The circumstances which just the grant to an officer of special pay are entirely different in char ter from those which justify the grant of a compensatory allowance a difference emphasised in the definitions of those terms embodied the Fundamental Rules Those definitions should in my view strictly construed and an exact compliance required with the cond tions stated in them as antecedent to the grant of either special p or compensatory allowance The grant of compensatory allowan

is a matter the control of which I have delegated to Local Governments with whose use of the discretion entrusted to them I should normally be reluctant to interfere I desire, however, to make it clear that for the reasons given above I am unable to recognise any necessary inter dependence between special pay and compensatory allowance or to agree either that where the cost of living would justify the grant to an officer of a compensatory allowance, he should be rendered ineligible for such allowance because he has already been granted special pay in recognition of the duties and responsibilities of his post or that if the attachment of special pay to a post is justified under the terms of the Fundamental Rules it should be subject to reduction because for reasons essentially different a compensatory allowance as defined in Fundamental Rule 9 (5), is subsequently granted "

[S. of S s Des No 6-Services dated 18th Feb 1926 received with F D letter No F 6 C S R.—26, dated 4th May 1926.]

Secretary of State's Rules regarding grant of free passages —The following rules framed by the Secretary of State in Council have been reproduced in Appendix No 6 —

(1) Passage Rules 1925 and

(2) Passage (Subordinate) Rules, 1925

Secretary of State s decision —The Secretary of State for India in Council has with effect from the 1st May 1928 revised the rates of passage allowance admissible to Government servants and non officials who are granted passages between the *United Kingd* i *and any port in India* proper at Government expense and are allowed to make their own arrangements for such passages as follows —

	£
First Class	53
Second Class	42

The above rates were in force up to 2nd July 1929 and with effect from the 3rd July 1929, the rates of passage allowance are as follows —

	£
First Class	65
Second Class	48

The existing rates of passage allowance for *journeys to Rangoon* which are as follows, remain unchanged —

	£
First Class	72
Second Class	62

It has also been decided to omit the rates for *journeys to Aden* The maximum amount admissible in any case will be the rate of passage allowance appropriate to that case or the actual cost of passage engaged by the individual concerned, whichever is less

[G I F D letter No. F 7 (59) R I/30 dated 16th October 1930 and G I, F D, letter No. F 7 (59) R. I./30 dated 5th January 1931]

With effect from 17th February 1933 the Secretary of State for India in Council has revised the rates of passage allowance as follows —

	£
Between Great Britain and any port in India proper—	
First Class	50
Second Class	35
Between Great Britain and Rangoon direct—	
First Class	64
Second Class	54

[G I, F D, letter No F 4 (34) R I/33, dated the 20th April 1933]

With effect from the 21st August 1934 the Secretary of State for India in Council has revised the rates of passage allowance as follows —

	£
Between Great Britain and any port in India proper—	
First Class	46
Second Class	33
Between Great Britain and Burma—	
First Class	55
Second Class	33

[G I F D letter No F 4 (52) R I/34, dated 15th November 1934]

Government of India's orders —

(1) In view of the importance attached to the correct classification of additions to pay such as special pay and compensatory allowance, it can be accepted as a general principle that the reasons for the grant of such additions to pay should be briefly recorded in the letter or memorandum conveying the sanction In cases however in which an official record in an open letter may be undesirable it should be possible to communicate the reasons confidentially to the audit authority

[G I F D No F 9 V C S R /27, dated 15th February 1927]

(2) In cases in which free passages are admissible under the Passage (Subordinate) Rules 1925 and an officer is permitted to make his own arrangements, the latter is entitled to receive only a passage allowance at the rates laid down in the Secretary of State's decision reproduced above and not the actual cost of the passage or passages engaged

[G I F D letter No F 12 (46) C S R 26, dated 5th November 1926]

(3) The Governor General in Council has decided that in all cases in which the compensatory allowances under F R 9 (5) and special pay under F R 9 (25) clause (a) or (c) on account of service in dangerous or specially unhealthy localities granted to officials on the ordinary clerical time scales of pay and lower paid

No. 82

No. 305.

Page 120, Section III, F. R. 9(5)—

Insert the following as Government of India's order No (5) below this Rule :—

No. 542

Page 120, Section III, F. R. 9 (5)—

Insert the following as item (6) of the Government of India's orders under this rule :—

"(6) In accordance with the decision of the Secretary of State for ... admissible to Government ser-

... the 18h September 1940, be the net cost to Government ... the class and grade of accommodation to which the passenger is entitled.

The rates of passage allowance communicated in the Government of India, Finance Department, letter No F. 4 (52)-R. I. 34, dated the 15th November 1934 (reproduced on page 119 of this Volume) are superseded with effect from the 18th September 1940."

[G I, F. D, Endorsement No F 4 (8) R. I /41, dated the 19th February 1941.]

(No. 542, dated the 28th March 1941.)

F. R. 9. (6) *Duty*—(a) Duty includes :—

(i) Service as a probationer or apprentice, provided that such service is followed by confirmation.

(ii) Joining time.

(b) A local Government may issue orders declaring that, in circumstances similar to those mentioned below, a Government servant may be treated as on duty:—

(i) During a course of instruction or training in India.

(ii) In the case of a student, stipendiary or otherwise, who is entitled to be appointed to the service of Government on passing through a course of training at a university, college or school in India, during the interval between the satisfactory completion of the course and his assumption of duties.

(iii) During preparation in India for an examination in any oriental language.

(iv) On the first arrival in India of Government servants appointed in England who do not, before they report themselves at the seat of the local Government concerned, receive orders to take charge of a specified post, during the interval between the date of such report and the date on which they take charge of their duties.

Government of India's Orders—

(1) The Governor General in Council has issued under Fundamental Rules 9 (6) (b) (i)—(iii) and 20, the following general orders applicable to all Government servants under his administrative control other than Government servants employed in Chief Commissioners' provinces —

1 A Government servant who has been substantively appointed to a post or cadre in Government service shall be treated as on duty during any course of instruction or training which he may be required or permitted to undergo in accordance with the terms of any general or special orders of the Governor General in Council.

2 A student stipendiary or otherwise who is entitled to be appointed to Government service on passing through a course of training at a University College or School, shall unless in any case it be otherwise expressly provided in the terms of his appointment, be treated as on duty during the interval between the satisfactory completion of the course and his assumption of duties

3 (a) A Government servant shall be treated as on duty during any period which he is permitted to spend in preparation for an examination of any of the following kinds in an oriental language —

(i) An optional examination by the High Proficiency or Degree of Honour test in any vernacular language

(ii) An optional examination by the Higher Standard or High Proficiency Test in Sanskrit, Arabic or Persian

(iii) An optional examination by the Degree of Honour Test in Sanskrit, Arabic or Persian

(iv) In the case of Government servants of the Railway Department a compulsory examination by the Lower Standard Test in Hindusthani

(v) In the case of officers appointed in the United Kingdom to the Indian Service of Engineers, the Superior Revenue Establishment of State Railways the Indian Railway Service of Engineers the Sanitary and Electrical Services of the Public Works Department the Engineering Branch of the Telegraph Department or the Indian Forest Service a compulsory examination in a vernacular language

(b) The period to be spent in preparation is limited to six months in a case covered by sub clause (iii) of clause (a) of this paragraph and to three months in all other cases provided that it may be extended to six months in the case of an officer of the Political

No. 82

No. 305.

Page 120, Section III, F. R. 9(5)—

Insert the following as Government of India's *order No* (5) below this Rule :—

No. 542

Page 120, Section III, F. R. 9 (5)—

Insert the following as item (6) of the Government of India's orders under this rule :—

"(6) In accordance with the *decision of the Secretary of State* for India the *maximum* passage allowance admissible to Government ser-

the 18h September 1910, be the

the class and grade of accommodation ...

The rates of passage allowance communicated in the Government of India, Finance Department, letter No F 4 (52) R. I 34, dated the 15th November 1934 (reproduced on page 119 of this Volume) are superseded with effect from the 18th September 1940"

(G I, F. D, Endorsement No F 4 (6) R I /41, *dated the 19th February 1941*)

(No. 542, dated the 28th March 1941.)

F. R. 9. (6) *Duty*—(a) Duty includes :—

No. 156.

Page 120, Section III, F. R. 9 (6)—

Insert the following *after* sub clause (ii) of clause (*a*) of this Rule —

"(iii) Extra leave on average pay granted to a Government servant undergoing treatment at a Pasteur Institute".

(This amendment takes effect from the 8th September 1936)

[G. I, F. D, *Notfn.* No F. 10 (17) R. I/36, dated the 1st October 1936]

(*No* 156, *dated the* 28th *October* 1936)

on passing through a course of training at a university, college or school in India, during the interval between the satisfactory completion of the *course* and his assumption of duties

(iii) During preparation in India for an examination in any oriental language.

(iv) On the first arrival in India of *Government servants appointed* in England who do not, before they report themselves at the seat of the local Government concerned, receive orders to take charge of a specified *post*, during the interval between the date of such report and the date on which they take charge of their duties.

Government of India's Orders—

(1) The Governor General in Council has issued, under Fundamental Rules 9 (6) (b) (i)—(iii) and 20, the following general orders applicable to all Government servants under his administrative control other than Government servants employed in Chief Commissioners' provinces —

1 A Government servant who has been substantively appointed to a post or cadre in Government service shall be treated as on duty during any course of instruction or training which he may be required or permitted to undergo in accordance with the terms of any general or special orders of the Governor General in Council.

2 A student stipendiary or otherwise who is entitled to be appointed to Government service on passing through a course of training at a University College or School, shall unless in any case it be otherwise expressly provided in the terms of his appointment, be treated as on duty during the interval between the satisfactory completion of the course and his assumption of duties

3 (a) A Government servant shall be treated as on duty during any period which he is permitted to spend in preparation for an examination of any of the following kinds in an oriental language —

(i) An optional examination by the High Proficiency or Degree of Honour test in any vernacular language

(ii) An optional examination by the Higher Standard or High Proficiency Test in Sanskrit Arabic or Persian

(iii) An optional examination by the Degree of Honour Test in Sanskrit, Arabic or Persian

(iv) In the case of Government servants of the Railway Department a compulsory examination by the Lower Standard Test in Hindusthani

(v) In the case of officers appointed in the United Kingdom to the Indian Service of Engineers, the Superior Revenue Establishment of State Railways the Indian Railway Service of Engineers the Sanitary and Electrical Services of the Public Works Department the Engineering Branch of the Telegraph Department, or the Indian Forest Service a compulsory examination in a vernacular language

(b) The period to be spent in preparation is limited to six months in a case covered by sub clause (iii) of clause (a) of this paragraph and to three months in all other cases provided that it may be extended to six months in the case of an officer of the Political

Department preparing for an examination by the Higher Standard or High Proficiency Test in Persian or Arabic

(c) The period of preparation under sub clause (v) of clause (a) of this paragraph shall be spent only in India

(d) Preparation shall not be permitted to count as duty more than once under each of the sub clauses of clause (a) of this paragraph except that in the case of the services enumerated in sub clause (i) the period of preparation may be taken in instalments by officers preparing themselves for one or more examinations provided that the total of the instalments does not exceed the maximum period of three months

(e) Periods spent in preparation under this paragraph may be combined with periods of leave as follows —

(i) Under sub clauses (i) to (iv) of clause (a) with leave on average pay

(ii) Under sub clause (v) of clause (a) with leave on average or half average pay

4 When a Government servant is treated as on duty under paragraphs 1 to 3 above his right to draw during such period any compensatory allowance attached to the post on which he holds a lien shall be governed as though he were on leave by Supplementary Rules 6 *et seq*

[G I F D Res No 724 C S R dated 16th May 1923 and No F /130 R. I/28 dated 2nd October 1928]

(2) The Government of India have declared under Fundamental Rule 9 (6) (b) (iv) that Government servants appointed in England who on their first arrival in India do not before they report themselves at the seat of Government receive orders to take over charge of a specified post shall be treated as on duty during the interval between the date of such report and the date on which they take charge of their duties provided that the interval between the receipt of orders and their assumption of duties shall not exceed the amount of joining time which would be admissible to a Government servant entitled to joining time under Fundamental Rule 105 (a)

These orders have been issued by the Government of India in its capacity as a local Government and apply to those Government servants only who are under its administrative control or in a Chief Commissioner s province

[G I F D Res No 122 C S R dated 10th Feb 1922, and letter No 175-C S R dated 28th Feb 1922.]

(3) A probationer is entitled under Supplementary Rule 291, to leave under the leave rules which would be applicable to him if he held his post substantively otherwise than on probation, and so no

difficulty arises about a probationer whether he is confirmed in the post against which he was recruited or confirmed in another post. *The case of apprentices stands on a different footing, they are governed by Supplementary Rule 202, which provides only for leave during the apprentice period, and on confirmation, they cannot count their apprentice period for leave as if it had been service rendered substantively in a permanent post* This decision has the concurrence of the Government of India

[Ar G 's letter No 42 A/243 31, dated 3rd February 1932.]

(4) The Government of India have decided that the time spent on training by civilian Government servants who join the Army in India Reserve of Officers will count as duty under Fundamental Rule 9 (6) (*b*)

[G I, F D, No F-81 F E, dated 27th September 1926]

(5) A Government servant required to attend an obligatory departmental examination, or permitted to present himself at an examination the passing of which is a condition of preferment in Government service, may be treated as on duty during the day or days of the examination and during the reasonable time required for the journey, if any, to and from the place of examination

[G I, F D, Memo No F 17 R I /29, dated 23rd January 1929]

[A question arose whether a clerk in the Department of Education, Health and Lands who appeared in the Indian Audit and Accounts Service Examination held in December 1930 may be treated as on duty during the days of the examination in accordance with the orders contained in the Finance Department Memo No F 17 R I/29, dated the 23rd January 1929 It is arguable whether the passing of this examination by the clerk in question is a condition of preferment in Government service' It was decided in consultation with the Auditor General that this phrase covers only compulsory or optional examinations for promotion within the normal scope of the Government servants department or office]

[G I, F D, No F/15 (5) R I/31, dated 25th March 1931]

(6) 1 The time reasonably required for the journeys between the place of training and the station from which a Government servant proceeds in order to undergo training is part of the period of training. This ruling is not intended to apply to probationers holding ' training posts ', which they may be considered as taking with them on transfer Such probationers are entitled to joining time when transferred

[G I, F D, letter No F 76 R I /22, dated 20th June 1929]

2 In the case of Civil Officers granted commissions in the Army in India Reserve of Officers the period of training will not include the time spent in journey to and from the station at which the

training is carried out The time spent by these officers in journeying to and from the place of training should be treated as duty and acting arrangements may be made during that time

[G I, F D No 15 (29) R I/31 dated 21st September 1931 and G I, F D, No F 34 R I/32 dated the 19th August 1932]

3 The time taken by the officers of the Superior Telegraph Engineering Branch for the journeys from their headquarters to the place of training and *vice versâ* shall not form part of their traffic training for 3 months

[F A, P & T s Memo No S 203/4, dated the 2nd August 1933]

4 The time taken by the following officials of the Indian Posts and Telegraphs Department for the journeys from their headquarters to the place of training and *vice versa* shall not form part of the period of their training —

1 Departmental candidates selected for training as Eng Supervisors Wireless Operators
2 Superintendents of Post Offices and R M
3 Inspectors of Post Offices Head cl Superintendents of Post Of clerks
4 Telegraphists who undergo higher and wireless training
5 Telephone Inspectors
6 Linestaff
7 Telephone Operators
8 Mistries and Mechanics who under and Murray, Baudot and Teleprin

[F A, P & T s Endorsement No S 179/6 dat

(7) Mr N an Executive Engineer, whil ding Engineer was granted leave on a rtificate for 4 months and 12 days expiring . 1924 ter receipt of a medical certificate of fitne ation of his sting was taken up on the 16th August 19 it having beer ally decided to post him as officiating Superintending Engineer ders for his posting were issued on the 26th September 1924 r N joined duty on the forenoon of the 4th October 1924 The estion arose how the period 26th August 1924 to 3rd October 1924 ould be treated

The circumstances of the case are similar to those referred to in R 9 (6) (*b*) (*iv*) inasmuch as in both cases the essential point is o compulsory waiting by the officer concerned for orders of Government posting him to a particular post Accordingly the Government of India with the concurrence of the Auditor General, dered that the period of waiting in the case of Mr N and in her similar cases should be treated as duty as in the case mentioned F R 9 (6) (*b*) (*iv*)

I F D No F 19? C S R 25 dated the 20th June 1925, to the Accountant General, Madras]

Q

Page 124 Section ...

No. 451.

No 699

Page 124, Section III, F R 9 (6)—

Insert the following as items (19) and (20) of the Government of India's orde

No. 711.

Page 124, Section III, F R 9 (6)—

No. 713.

Page 124, Section III, F R 9 (6)—

Insert the following as item (22) of the Government of India's orders under Rule —

" (22) The periods spent by the officials of Posts and Telegraphs Departm in training at Pre Cadet Provincial Schools and on journeys to and from the plac training may be counted as duty under Fundamental Rule 9 (6) (b) "

[Financial Adviser (Communications) Endorsement No S 304/1/43, dated the 11th Oct 1943]

(No 713, dated the 28th November 1943

[Financial Adviser (Communications') Endorsement No ... 1943 (22) See slip 713

(No 711, dated the 28th November 1943)

on duty during the period of training

[Financial Advisor (Communications) Endorsement No A 5 14/43, dated the 13th Apri 1943]

(No 699 dated the 28th November 1943)

mental R ... Fundamental R ... the period of ... period of training The time taken ... ng he shall be treated as on ... ll be restricted under Funda- ... anted to outside candidates ... e the training class, whichever is less "

... Endorsement No ...

No. 550.

No. 412.

Page 124, Section III, Fundamental Rule 9 (6)— See slip 451

... of the Government of India orders

No. 400.

Page 124 Section III—Fundamental Rule 9 (6)—

Substitute the figure "(11) for the figure (II) appearing in ... second and fourth lines of correction slip No 412 dated the 28th Sep ... tember 1940, to this Rule.

Page 124, Section III, Fundamental Rule 9 (6)—

No 657.

Page 124, Section III, F R 9(6)—

Insert the following as item (18) of the Government of India's Orders under this Rule —

" (18) The period of training of Departmental candidates selected for telegraph training shall be treated as duty under Fundamental Rule 9(6)(b) and they should be paid the pay and increments of their substantive posts Departmental candidates who qualify under the rules in Appendix 9 to Posts and Telegraphs Manual, Volume IV, as outside candidates and are selected for telegraph training will have their pay during the period of training restricted under Fundamental Rule 20, to allowance granted to outside candidates " (20) See slip 699 & (21) See slip 711

(19) & [F A (C's) Endorsement No EsB 221/5/42 dated the 8th December 1942]

(9) Honorarium means a recurring or non recurring payment
No 592. (general revenues)

Page 126, Section III, F R 9 (9)—

Insert the words "or intermittent" after the word "occasional" occurring in line 3 of this Rule

[Government of India, Finance Department, Notification No F 9 (6) Ex II/42, dated the 5th February 1942]

(No 592, *dated the 28th March 1942*)

the meaning of this rule

[F A, P & T s endorsement No 779 G/26, dated 4th February 1932]

No 619.

Page 126, Section III, F R 9 (9) as amended by Correction Slip No 592, dated the 28th March 1942—*Insert* the following as Government of India's decision below this rule —

"*Government of India's decision*—See Government of India's decision below F R 9 (8) as inserted by Correction Slip No 617, dated the 28th August 1942, in Section III of this Compilation"

(No 619, dated the 28th August 1942.)

ment to a Government servant on leave.

[2] F R 9 (13) *Lien* means the title of a Government servant to hold substantively, either immediately or on the termination of a period or periods of absence, a permanent post, including a tenure post, to which he has been appointed substantively.

Secretary of State's decision—See entry below F R. 26

Government of India's decision—The Governor General in Council has decided that an official who has elected to remain under the leave rules contained in the Civil Service Regulations is entitled to the benefit of Article 210 of those Regulations and that in his case the application of that Article has the effect of overriding the definition of the word 'lien' in F R 9 (13) for the purpose of the interpretation of that word in F R 26 (*b*)

[G I F D No F 153 C S R./26, dated 20th May 1926]

Auditor General s decision—In the case of a Government servant who holds no lien on any appointment except that which it is proposed to abolish the correct practice in deciding the exact date from which the appointment is to be abolished would be to defer the date of abolition up to the termination of such leave as may be granted

[Ar G s Memo No 641 A/194 22, dated 13th Sept. 1922]

[1] This clause has effect from the 23rd April 1929
[2] This revised clause has effect from the 29th May 1934

A Government servant officiates in a ... which another

No. 636.

Page 128, Section III, F R 9 (19)—Delete item (1) of the Government of India's decisions under this rule and *re number* the existing item (2) of the Government of India's decisions as item (1)

[F A (C's) endorsement No E&B 2 29/38, dated the 21st September 1942]

(No 636 dated the 28th November 1942)

(1) The Government of India have decided to retain ... and Telegraphs Department the 14 days' rule (originally approved by the Secretary of State in Council in his Despatch No 3 Tele- ... 19th April 1918) under which in the case of the

No. 563.

Page 128, Section III, Fundamental Rule 9 (19)—

Cancel the amendments introduced by correction slip No 68, dated the 18th March 1936, to item (1) of the Government of India's decisions under this rule

[F A (Cs) endorsement No D & A 36/38/15 dated the 15th May 1941]

(No 563 dated the 28th June 1941)

Branch' in item (1) of the 'Government of India's ... this rule

(This amendment takes effect from the 1st January 1936)

[F A, P & T's No S 314/1, dated 19th December 1935]

[No 68, dated the 18th March 1936]

in place of the ... any officiating promotions made in the lower grades in his place will continue

[D G P T No. D M-442, dated 30th April 1923.]

(1) In the case of a Government servant with a substantive post on a permanent establishment, who is appointed to officiate in a permanent post which is substantively vacant or which is temporarily vacant in consequence of the absence of the substantive incumbent on extraordinary leave or on transfer to foreign service, and is allowed to draw the full officiating pay or salary admissible under the rules, the difference between the substantive pay and officiating pay or salary counts as emoluments for pension.

[G I. F D letter No 84 C S R., dated 8th July 1925, and Res No F 16 C S. R./26, dated 22nd Jan 1926]

F R 9 (20) *Overseas pay* means pay granted to a Government servant in consideration of the fact that he is serving in a country other than the country of his domicile.

Secretary of State's Rules regarding the grant of overseas pay—The rules regulating the grant of overseas pay to Government servants are contained in the Government of India, Finance Department Resolution No 1533 Ex, dated the 5th July 1923, reproduced in Appendix 5

[For rules regarding admissibility of Sterling overseas ... the Superior C...

No. 477.

...ge 129, Section III, Fundamental Rule 9 (20)—

Read "Appendix 5 B in Volume II of this Compilation" *for* the words "Appendix 5-B to this Volume" occurring in line 3 of the "Secretary of ...ate's decision" below this Rule.

(No 477, dated the 28th June 1940)

... of State has further decided that an officer who has been drawing overseas pay in good faith and whose domicile is challenged should receive a personal allowance equal to the amount of overseas pay hitherto drawn, the allowance to be absorbed in increments, from the date when his domicile is questioned, and should continue to enjoy such allowance in the event of an eventual adverse decision

[G I H D No F 445 II 27/Estabts, dated 17th February 1928]

Auditor General s decision —In a case regarding calculation of the average cost of a post in the Imperial Police Service, the following orders were passed by the Auditor General —

* * * As regards the calculation of the average cost of *overseas pay* the *total cost* of Sterling and Rupee overseas pay now drawn should be worked out separately and divided in each case by the number of men so drawing As the cost to India is the cost of sending money to England to make the payment there, 1*s* 6*d*[1] should be taken as the rate for converting sterling overseas pay into rupees for this purpose

* * * * *

[Ar G s No 1402 Admn /397 95, dated 28th Nov 1925]

F R 9 (21) (a) *Pay* means the amount drawn monthly by a Government servant as—

(i) the pay, other than special pay or pay granted in view of his personal qualifications, which has been *sanctioned for a post held by him substantively or* in an officiating capacity, or to which he is entitled by reason of his position in a cadre, and

(ii) overseas pay, technical pay, special pay and personal pay, and

(iii) any other emoluments which may be specially classed as pay by the Governor General in Council

[1]The current rate of exchange as defined in Article 343, Account Code, will hereafter be applied in converting sterling overseas pay into rupees for all purposes—G I I D Resn No I 276 Ex /25, dated 1st April 1926

(b) In the case of a military officer, in receipt of the rates of pay introduced on July 1, 1924, pay includes the amount which he receives monthly, under the following designations:—

(i) pay of appointment, lodging allowance and marriage allowance; and

(ii) pay of rank, command pay, additional pay, Indian Army allowance, lodging allowance and marriage allowance;

In the case of a military officer, in receipt of the rates of pay in force before July 1, 1924, pay includes the amount which he receives monthly under the following designations:—

(i) Military pay and allowances and staff salary,

(ii) Indian Army pay and staff salary; and

(iii) Consolidated pay.

Government of India s decisions—

(1) The Governor General in Council has classed *"Judicial pay"* as 'Pay under this rule (with effect from 1st January 1922)

[G I F D No 76 E A, dated 25th Jan 1922.]

(2) The Government of India have decided that language allowances shall be termed *"language pay"* in future and that they shall be classed as "Pay" under this rule This decision has effect from 1st January 1922

[G I F D Res No 1439 F E, dated 14th July 1922, and No 2533 F E, dated 15th Dec. 1922.]

(3) The definition of pay in F R 9 (21) (b) in the case of a Military Officer in receipt of the rates of pay introduced on the 1st July 1924 includes 'pay of appointment' which as defined in the Pay and Allowances Regulations for the Army in India, Part I, includes 'Staff pay' It has therefore been decided with the concurrence of the Government of India that staff pay should be taken into account in calculating average pay [illegible] ary Officers employ-

(b) Charge allowance of Rs 300 per mense granted to officers of Civil Service a ——pointed to officiate 'inferior' a

No 668 *Page 131*, Section III, F. R 9(21)—Inse of India's decisions below this Rule —

"(9) Wireless proficiency pay granted to the wi Fundamental Rule 9(21) (a) (iii)"

[Financial Adviser (Communications') endorsement No Es B ... vernment of I...

No ...

Page 131, Section III, F R 9 (21)—

Insert the following as item (8) of the Government of India's decisi below this rule —

"(8) See item (6) of the Government of India's decisions below S R as inserted by Correction Slip No 517, dated the 28th December 1940, a further amended by Correction Slip No 611, dated the 29th June 1942"

(9) See C.S. 666 (No 612, dated the 29th June 1942)

granted ... 612 ... dated the 28th October 1937]

allowance and is of the nature of pay ... Corps is not a compe

[G L, F. D, endorsement No F 2/111 Ex II/36, dated the 30th Novemb

(Para 9 Chap II Sec I of Manual of Audit Instr... (No. 185, dated the 27th February

See C.S. 360

No. 360.

Page 131, Section III, F R 9 (21)—

Insert the following as "Auditor General's decision below this rule -

"*Auditor General's decision*—It has been decided with the concurren of the Central Government that a Civil Officer undergoing Military training not a 'military officer' as defined in F R 9 (16) (*b*) and in his case 'pay' defined in F R 9 (21) (*a*) does not include 'rank pay' received during tl period of training"

Auditor General's letter No 9..8-AC/139 38, dated the 20th December 1938

sure, or pay otherwise than as a disciplinary mea-

No. 375.

Page 131, Section III, F R 9(21)—

Insert the following as item (7) of the Government of India's decisions below this rule —

"(7) A Civil Officer belonging to the India Army Reserve of Officers, when called to Army service is not a 'Military Officer, as defined in Fundamental Rule 9(16)(*b*) and in his case 'pay' as defined in Fundamental Rule 9(21)(*a*) does not include 'rank pay' received during the period of service in the Army In such cases the pay which the Government servant would have received if he had not been called to Army service, and not the 'rank pay' actually drawn during that period should be taken into account for purposes of calculating leave salary based on average pay under the Fundamental Rules"

[G I, F D letter No F 7(1) R I/39, dated the 11th March 1939]

(No 375, dated the 1st May 1939)

No. 329.

Page 132, Section III, F. R 9 (23)—

Substitute "Government of India, Finance Department letter XXII" *for* "Government of India, Finance Department letter No F/ appearing in the authority cited in correction slip No. 164, dated December 1936.

(No. 329, dated the 30th Septen

No. 164.

Page 132, Section III, F. R. 9 (23)—

Insert the following as Government of India's decision (2) under Fundamental Rule 9 (23) (*b*), the existing decision being numbered as (1) :—

Finance Department, through the administrative Departments concerned." See no. 328

[G. I., F. D. Letter No. F./14-XXII Ex. II, dated the 28th September 1936.]

(No 164, dated the 23rd December 1936)

[G. I., F D, No D-4171 Ex. II/33, dated the 26th October 1933.]

F. R. 9. (24) ***Presumptive pay of a post***, when used with reference to any particular Government servant, means the pay to which he would be entitled if he held the post substantively and were performing its duties; but it does not include special pay unless the Government servant performs or discharges the work or responsibility, or is exposed to the unhealthy conditions, in consideration of which the special pay was sanctioned.

Audit Instruction.—The first part of the definition is intended to facilitate the use of the term in relation to a Government servant who has been absent from a post for some time but still retains a lien on it

[Para. 10, Chap II, Sec I of Manual of Audit Instructions (1926).]

F. R. 9. (25) ***Special pay*** means an addition, of the nature of pay, to the emoluments of a post or of a Government servant, granted in consideration of—

(a) the specially arduous nature of the duties; or

(b) a specific addition to the work or responsibility; or

(c) the unhealthiness of the locality in which the work is performed.

Secretary of State s decisions—

(1) The Secretary of State in Council is of the opinion that, provided the sanctioning authorities limit the allowances granted on account of the unhealthiness of a locality to cases in which the locality is really likely to cause illness or impaired vitality, it is reasonable that they should be taken into account in calculating leave salary and pension The Secretary of State in Council desires that the attention of local Governments should be called to the fact that this limitation is inherent in the rule as it stands, and he has observed that the local Governments will no doubt re examine any case in which they have reason to suppose that this condition has not been satisfied or does not continue to be satisfied

[G. I. F. D. No. 914 ...

No. 600.

Page 133, Section III, Fundamental Rule 9 (25)—*Delete* item (2) of the Secretary of State s decisions below this Rule

[Auditor General s u/o No 203 A/155 40, dated the 26th March 1942].

(No. 600, dated the 28th May 1942)

[G I H D letter No F 272 23, dated 16th September 1926]

Government of India s Orders—

(1) Duty allowances *now termed as special pay* should continue to be left out of account in determining the rate of allowances admissible under the Calcutta, Bombay and Rangoon House Allowance Scheme to officers of the Posts and Telegraphs Department

[G I P W D No 644 P W, dated 10th April 1923]

(2) The $\frac{\text{Director General}}{\text{Heads of Circles}}$ of the Indian Posts and Telegraphs Department $\frac{is}{are}$ authorised to sanction the grant of special pay or of compensatory or house rent allowance to a Government servant in permanent employ in any locality at the rates and subject to the conditions laid down by the Government of India for Government servants of similar status in the same locality provided that the maximum pay of his post *plus* the special pay does not exceed the limit of $\frac{\text{Rs } 350}{\text{Rs } 200}$ a month

[G I, I & L D, letter No 27 P T E, dated 14th November 1928]

(3) See item (3) of 'Government of India s orders under F R 9 (5)

(4) The Director General Posts and Telegraphs, has been authorised to sanction the grant of special pay or compensatory allowance (including house rent allowance) or both to the holder of a temporary post created by the Director General in any locality, at the rate and subject to the conditions laid down by the Governor

General in Council for permanent officials of the Indian Posts and Telegraphs Department of similar status serving in the same locality provided that the pay of the temporary post *plus* the special pay does not exceed Rs 350 a month

[G I, I & L Dept. letter No 150 Est. A /29 Coll. II, dated 14th January 1931]

Audit Instruction —When special pay has been sanctioned in the form of a portion or percentage of pay in the ordinary line and the pay in the ordinary line includes an element of sterling overseas pay, such special pay should be determined as follows —

(*a*) the special pay is admissible on the sterling overseas pay as well as on the rupee basic pay,

(*b*) the special pay must be expressed and drawn wholly in rupees,

(*c*) the sterling overseas pay should for the purpose of calculating the special pay be converted into rupees at the rate of 1s 6d to the rupee

[Para 6, Sec X of Manual of Audit Instructions (1926)]

Audit Ruling —A provision in the contract of a Government servant appointed to a particular post that he should "also do all things that may be required of him" does not contemplate his being required to perform onerous additional duties in another post without remuneration

[Ruling (6), Sec IV of Compilation of Audit Rulings]

F. R. 9 (26) ***Statutory Civil Servant*** **means a native of India who was appointed, under notification of the Government of India in the Home Department, No. 1534, dated the 22nd August 1879, to an office, place or employment mentioned in section 6 of Statute 33 Vict , Chapter 3.**

F. R. 9. (27) ***Subsistence grant*** **means a monthly grant made to a Government servant who is not in receipt of pay or leave salary.**

[1](28) ***Substantive pay*** **means the pay other than special pay, personal pay or emoluments classed as pay by the Governor General in Council under Rule 9 (21) (a) (iii), to which a Government servant is entitled on account of a post to which he has been appointed substantively or by reason of his substantive position in a cadre.**

(29) ***Technical pay*** **means pay granted to a Government servant in consideration of the fact that he has received technical training in Europe.**

[1]This amended clause has effect from the 14th March 1933.

Page 135, Section III, F R 9 (30)—

Insert the following as Government of India's decision No (2) below this rule the existing decision being numbered as (1) —

" , ided in consultation with the to temporary posts should be when posts are to all intents and purposes quasi permanent or when they have been sanctioned for a period of not less than, or there is reason to believe that they will not terminate within a period of, three years In all other cases, appointments to temporary posts should be made in an officiating capacity only"

(Government of India, Finance Department, Office Memorandum No F 8(10) Ex 1/38, dated the 12th July 1938)

(No 331, dated the 30th September 1938)

[Ar G s No 828 Code/117 22 dated 11th Dec 1922]

[1]F. R 9 (30A) *Tenure post* means a permanent post which an individual Government servant may not hold for more

No 194

Page 135, Section III, F R. 9 (30 A)—

Delete the Government of India s decision " below this rule

(No 194, dated the 23th April 19

Service Class I—has been declared to be a tenure p

[G. I. F. D. ember 1932.]

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General in Council for permanent officials of the Indian Posts and Telegraphs Department of similar status serving in the same locality provided that the pay of the temporary post *plus* the special pay does not exceed Rs 350 a month

[G I, I & L Dept letter No 150 Est A /29 Coll II, dated 14th January 1931]

Audit Instruction—When special pay has been sanctioned in the form of a portion or percentage of pay in the ordinary line and the pay in the ordinary line includes an element of sterling overseas pay, such special pay should be determined as follows —

(*a*) the special pay is admissible on the sterling overseas pay as well as on the rupee basic pay,

(*b*) the special pay must be expressed and drawn wholly in rupees,

(*c*) the sterling overseas pay should for the purpose of calculating the special pay be converted into rupees at the rate of 1s 6*d* to the rupee

[Para 6, Sec X of Manual of Audit Instructions (1926)]

Audit Ruling—A provision in the contract of a Government servant appointed to a particular post that he should "also do all thin
bein
post

No 433.

Page 134, Section III, F R 9 (28)—

Insert the following Note below this Rule —

"**Note.—In the case of a piece-worker in the Government of India Presses, when appointed to a post on a time scale, 'substantive pay' shall be deemed to be equivalent to two hundred times his hourly class rate**"

[G I, F D Resolution No F 8(14) Ex I/39, dated the 7th December 1939]

(No 433, dated the 1st January 1940)

to a Government servant who is not in receipt of pay or leave salary.

No 141.

Page 134, Section III, F. R 9 (28)—

Insert the following as the 'Government of India's decision' bel this rule :—

"*Government of India's decision*—Marriage allowance and Lodg allowance of Military Officers in the Army come within the definition 'Substantive pay' so long as they continue to be treated as part 'pay'."

[Ar G 's Endt No 281 A/289-35, dated the 15th August 1936]

(No 141, dated the 25th September 1936)

Page 135, Section III, F R 9 (30)—

Insert the following as Government of India's decision No (2) below this rule the existing decision being numbered as (1) —

d in consultation with the
temporary posts should be
n posts are to all intents and
purposes ... permanent or when they have been sanctioned for a period of not less than or there is reason to believe that they will not terminate within a period of, three years In all other cases, appointments to temporary posts should be made in an officiating capacity only '

(Government of India, Finance Department, Office Memorandum No F 8(10) Ex 1/38 dated the 15th July 1938)

(No 331, dated the 30th September 1938)

[Ar G a No 828 Code/117 22, dated 11th Dec 1922]

[1]F R 9 (30A) *Tenure post* means a permanent post which an individual Government servant may not hold for more

No 194

Page 135, Section III, F R 9 (30 A)—

Delete the ' Government of India's decision " below this rule

(No 194, dated the ..th April 193

Service Class 1—has been declared to be a tenure p

[G I, F. D, Notfn, No F 19 XII Ex I dated the 8th December 1932.]

F R 9 (31) (a) *Time-scale pay* means pay which, subject to any conditions prescribed in these rules, rises by periodical increments from a minimum to a maximum It includes the class of pay hitherto known as progressive

[2](b) Time scales are said to be *identical* if the minimum, the maximum, the period of increment and the rate of increment of the time scales are identical

[2](c) A post is said to be on the *same* time scale as another post on a time scale if the two time scales are identical and the posts fall within a cadre, or a class in a cadre, such cadre or class having been created in order to fill all posts involving duties of approximately the same character or degree of responsibility, in a service or establishment or group of establishments, so that the pay of the holder of any particular post is determined by his position in the cadre or class and not by the fact that he holds that post

Government of India s Orders —(1) Method of calculation of average pay of a post on a time scale of pay —In the case of services on time scales of pay broken up into stages or grades or where there

[1]This new clause has effect from the 18th March 1930

[2]These new sub clauses have effect from the 18th March 1930

General in Council for permanent officials of the Indian Posts and Telegraphs Department of similar status serving in the same locality provided that the pay of the temporary post *plus* the special pay does not exceed Rs 300 a month

[G I, I & L Dept letter No 150 Est A /29 Coll II, dated 14th January 1931]

Audit Instruction —When special pay has been sanctioned in the form of a portion or percentage of pay in the ordinary line and the pay in the ordinary line includes an element of sterling overseas pay, such special pay should be determined as follows —

(a) the special pay is admissible on the sterling overseas pay as well as on the rupee basic pay,

(b) the special pay must be expressed and drawn wholly in rupees,

(c) the sterling overseas pay should for the purpose of calculating the special pay be converted into rupees at the rate of 1*s* 6*d* to the rupee

[Para 6, Sec X of Manual of Audit Instruction (1926)]

Audit Ruling —A provision in the contract of a Government servant appointed to a particular post that he should 'also do all thin

No 433.

bein

post*Page 134, Section III, F R 9 (28)*—

Insert the following Note below this Rule —

"Note —In the case of a piece worker in the Government of India Presses, when appointed to a post on a time scale, 'substantive pay' shall be deemed to be equivalent to two hundred times his hourly class rate."

[G I F D Resolution No F 8(14) Ex I/39, dated the 7th December 1939]

(No 433 dated the 1st January 1940)

to a Government servant who is not in receipt of pay or leave salary.

No 141.

Page 134, Section III, F. R 9 (28)—

Insert the following as the 'Government of India's decision' below this rule —

"*Government of India's decision* —Marriage allowance and Lodging allowance of Military Officers in the Army come within the definition of 'Substantive pay' so long as they continue to be treated as part of 'pay'."

[Ar G's Endt No 281 A/289 35, dated the 15th August 1936]

(No 141, dated the 25th September 1936)

PART II.

No 770

Page 139 Section III, F R 10 (as amended by correction slip No 633 dated the 28th September 1942)—

Insert the following as Government of India s orders below this rule —

Government of India s orders —Once a person is asked to produce a medical certificate of fitness for entry into Government Service whether in a permanent or temporary capacity and has actually been examined and declared unfit it is not open to the authorities exercising the powers of a local Government to use their discretion to ignore the certificate that has been produced '

[Government of India Finance Department, endorsement No F 6(13) R II/44, dated the 11th May 1944]
(No 7 0 dated the 28th August 1944)

[*For Administrative Instructions issued by the Governor General in Council in connection with Fundamental Rule 10 regarding conditions of age on appointment to Government service, see Part I of Appendix No 3*]

F R 11 Unless in any case it be otherwise distinctly provided, the whole time of a Government servant is at the disposal of the Government which pays him, and he may be employed in any manner required by proper authority, without claim for additional remuneration, whether the services required of him are such as would ordinarily be remunerated from general revenues, from a local fund or from the revenues of an Indian State

F R 12 (a) Two or more Government servants cannot be appointed substantively to the same permanent post at the same time

(b) A Government servant cannot be appointed substantively except as a temporary measure, to two or more permanent posts at the same time

(c) A Government servant cannot be appointed substantively to a post on which another Government servant holds a lien

[1]F R 12 A Unless in any case it be otherwise provided in these Rules, a Government servant on substantive appointment to any permanent post acquires a lien on that post and ceases to hold any lien previously acquired on any other post

[2]F R 13 Unless his lien is suspended under Rule 14 or transferred under Rule 14 B a Government servant holding substantively a permanent post retains a lien on that post —

(a) while performing the duties of that post,

(b) while on foreign service or holding a temporary post, or officiating in another post

[1]This new rule has effect from the 29th May 1934
[2]This revised rule has effect from the 29th May 1934

PART II.

No. 770.

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"*Government of India's orders* —Once a person is asked to produce a medical certificate of fitness for entry into Government Service whether in a permanent or temporary capacity and has actually been examined and declared unfit it is not open to the authorities exercising the powers of a local Government to use their discretion to ignore the certificate that has been produced "

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(No 770, dated the 28th August 1944)

[*For Administrative Instructions issued by the Governor General in Council in connection with Fundamental Rule 10 regarding* ***conditions of age on appointment to Government service,*** *see Part I of Appendix No 3*]

F. R. 11 Unless in any case it be otherwise distinctly provided, the whole time of a Government servant is at the disposal of the Government which pays him, and he may be employed in any manner required by proper authority, without claim for additional remuneration, whether the services required of him are such as would ordinarily be remunerated from general revenues, from a local fund or from the revenues of an Indian State

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(b) A Government servant cannot be appointed substantively except as a temporary measure, to two or more permanent posts at the same time

(c) A Government servant cannot be appointed substantively to a post on which another Government servant holds a lien

[1]F R 12-A Unless in any case it be otherwise provided in these Rules, a Government servant on substantive appointment to any permanent post acquires a lien on that post and ceases to hold any lien previously acquired on any other post.

[1]F R. 13. Unless his lien is suspended under Rule 14 or transferred under Rule 14-B, a Government servant holding substantively a permanent post retains a lien on that post —

(a) while performing the duties of that post,

(b) while on foreign service, or holding a temporary post, or officiating in another post,

[1]This new rule has effect from the 29th May 1934

[2]This revised rule has effect from the 29th May 1934

(c) during joining time on transfer to another post; unless he is transferred substantively to a post on lower pay, in which case his lien is transferred to the new post from the date on which he is relieved of his duties in the old post;

(d) subject to the exception in sub-rule (2) of Rule 97, while on leave; and

(e) while under suspension.

Government of India's orders.—All officers of the Army in India Reserve of Officers who are employed under the Central Government shall, when called to Army Service, retain a lien on their civil posts during the period for which they are called to Army Service.

[G. I. F. D. Endorsement No. F. 31 R. I/29, dated 19th March 1929.]

[1]F. R. 14. (a) The Governor General in Council shall suspend the lien of a Government servant on a permanent post which he holds substantively if he is appointed in a substantive capacity—

(1) to a tenure post, or

(2) to a permanent post outside the cadre on which he is borne, or

(3) provisionally, to a post on which another Government servant would hold a lien had his lien not been suspended under this rule.

(b) The Governor General in Council may, at his option, suspend the lien of a Government servant on a permanent post which he holds substantively if he is deputed out of India or transferred to foreign service, or, in circumstances not covered by clause (a) of this Rule, is transferred, whether in a substantive or officiating capacity, to a post in another cadre, and if in any of these cases there is reason to believe that he will remain absent from the post on which he holds a lien for a period of not less than three years.

(c) Notwithstanding anything contained in clause (a) or (b) of this Rule, a Government servant's lien on a tenure post may in no circumstances be suspended. If he is appointed substantively to another permanent post, his lien on the tenure post must be terminated.

(d) If a Government servant's lien on a post is suspended under clause (a) or (b) of this Rule, the post may be filled substantively and the Government servant appointed to hold it substantively shall acquire a lien on it; provided that the arrangements shall be reversed as soon as the suspended lien revives.

NOTE 1.—This clause applies if the post concerned is a post in a selection grade of a cadre.

NOTE 2.—When a post is filled substantively under this clause, the appointment will be termed a provisional appointment; the Government servant appointed will hold a provisional lien on the post; and that lien will be liable to suspension under clause (a) or (b) of this Rule.

[1]This revised rule has effect from the 20th May 1934.

(e) A Government servant's lien which has been suspended under clause (a) of this Rule shall revive as soon as he ceases to hold a lien on a post of the nature specified in sub-clause (1), (2) or (3) of that clause

(f) A Government servant's lien which has been suspended under clause (b) of this Rule shall revive as soon as he ceases to be on deputation out of India or on foreign service or to hold a post in another cadre, provided that a suspended lien shall not revive because the Government servant takes leave if there is reason to believe that

No. 720. *Pages 140-141, Section III, F.R 14*—*Insert* the following as Government of India's decision below this Rule —

"*Government of India's decision*.—When it is known that a Government servant on transfer to a post outside his cadre is due to retire on superannuation pension within three years of his transfer his lien on the permanent post cannot be suspended."

[G I., F.D., letter No. F 13(16)-R. I/38, dated the 29th July 1938 to the Government of Bombay, copy received with letter No GI 1253, dated November 1943 from the A G Bombay]

(No 720 dated the 28th March 1944)

to leave him without a lien or a suspended lien upon a permanent post.

(b) In a case covered by sub-clause (2) of clause (a) of Rule 14, the suspended lien may not, except on the written request of the Government servant

No. 543.

Page 141, Section III, F R 14 A —

Insert the following as Government of India's decision below this rule —

"*Government of India's decision*.—In a case covered by Fundamental Rule 14(*a*)(2) where a Government servant is appointed in a substantive capacity to a permanent post *outside the cadre* on which he is borne, Fundamental Rule 14 A(*b*) precludes permanently the termination of his suspended lien unless and until a written request to that effect is received from him "

[Auditor General's Endorsement No 71 A /39 41, dated the 12th February 1941]

(No 543 dated the 28th April 1941)

General in Council may transfer a Government servant from one post to another, provided that, except—

(1) on account of inefficiency or misbehaviour, or

(2) on his written request,

a Government servant shall not be transferred substantively to, or, except in a case covered by Rule 49, appointed to officiate in, a post carrying less pay than the pay of the permanent post on which he holds a lien, or would hold a lien had his lien not been suspended under Rule 14

(b) Nothing contained in clause (a) of this Rule or in clause (13) of Rule 9 shall operate to prevent the retransfer of a Government servant to the post on which he would hold a lien, had it not been suspended in accordance with the provisions of clause (a) of Rule 14

[1] This new rule has effect from the 29th May 1934
[2] This revised rule has effect from the 29th May 1934

Government of India's decision.—Permanent transfers from a higher to a lower scale in anticipation of the abolition of a post are not transfers within the meaning of F. R. 15.

[G. I. F. D. letter No. F.-452-R. I./27, dated 1st February 1928.]

F. R. 16. A Government servant may be required to subscribe to a provident fund, a family pension fund or other similar fund in accordance with such rules as the Secretary of State in Council may by order prescribe.

F. R. 17. (1) Subject to any exceptions specifically made in these rules and to the provision of sub-rule (2), an officer shall begin to draw the pay and allowances attached to his tenure of a post with effect from the date when he assumes the duties of that post, and shall cease to draw them as soon as he ceases to discharge those duties.

(2) The date from which a person recruited overseas shall commence to draw pay on first appointment shall be determined by the general or special orders of the authority by whom he is appointed.

[*For Administrative Instructions issued by the Governor General in Council regarding* "*Charge of Office*" *and* "*Leaving Jurisdiction*", *see Part II of Appendix No. 3.*]

Orders issued by the Governor General in Council under Fundamental Rule 17 (2).—With reference to clause (2) of this rule, the Governor General in Council has decided that the pay of officers recruited overseas who are entitled to a first class passage to India, shall commence from the date of disembarkation, subject to their proceeding to take up their duties without avoidable delay. In the case of officers who receive a second class passage pay shall commence from the date of embarkation for India.

[G. I. F. D. Resolution No. F. 7-XX-R. I./28, dated 19th May 1928.]

Government of India's decisions.—

It has been decided with the concurrence of the Secretary of State that when officers recruited overseas who are entitled to first class passages to India are prevented from proceeding at once from the port of disembarkation in India to take up their appointments they should be granted leave not due under F. R. 81 (c) (i) or (ii) as the case may require. This order will apply in cases where delay on the part of an officer in joining his first appointment is due either to illness or to private affairs. Where delay is due to an officer's own fault, or in cases presenting other exceptional circumstances, special orders will be required.

The stipulation implied by the phrase 'without avoidable delay' in the orders above should be regarded as fulfilled if the officer reports duty within the period allowed by the joining time rules with only

No. 67.

Page 143, Section III, F. R. 17—

Substitute the following for the last sentence of sub paragraph 2 of the "Government of India's decision" under this rule :—

"The minimum of the Officer's time-scale of pay (including overseas pay) may be treated as his average pay for the purpose of calculating half average pay for the period of 'leave not due' as well as for the purpose of allowing the minima of half average pay not exceeding the average pay under F. R. 90."

[G. I, F. D, U. O. No. 2293 R. I, dated 30th September 1935, to Ar. G.]

[No. 67, dated the 18th March 1936]

No. 68.

Page 143, Section III, F. R. 17—

Insert the following Note to the "Government of India's decision" under this rule :—

thereafter".

[G. I., F. D., No. F.-3 (5) R. I/35, dated 20th November 1935]

[No. 66, dated the 18th March 1936]

in India for the purposes of these orders

NOTE 2—For the interpretation of the expression 'without avoidable delay' occurring in this paragraph, see Government of India s decision quoted above

[Para 3, Chap III, Sec I of Manual of Audit Instructions (1926)]

Audit Ruling—The service of an officer of the Telegraph Department recruited in England begins from the date mentioned in his contract with the Secretary of State even if the conditions of Article 631 (ii) Civil Service Regulations, are not strictly fulfilled.

[Ruling (29), Sec V of Compilation of Audit Rulings]

F R. 18. Unless the Governor General in Council, in view of the special circumstances of the case, shall otherwise determine, after five years' continuous absence from duty, elsewhere than on foreign service in India, whether with or without leave, a Government servant ceases to be in Government employ.

Government of India's decision—Permanent transfers from a higher to a lower scale in anticipation of the abolition of a post are not transfers within the meaning of F R 15

[G I F D letter No F 452 R I /27, dated 1st February 1928]

F. R. 16. A Government servant may be required to subscribe to a provident fund, a family pension fund or other similar fund in accordance with such rules as the Secretary of State in Council may by order prescribe.

F. R 17 (1) Subject to any exceptions specifically made in these rules and to the provision of sub rule (2), an officer shall begin to draw the pay and allowances attached to his tenure of a post with effect from the date when he assumes the duties of that post, and shall cease to draw them as soon as he ceases to discharge those duties.

(2) The date from which a person recruited overseas shall commence to draw pay on first appointment shall be determined by the general or special orders of the authority by whom he is appointed.

[For Administrative Instructions issued by the Governor General in Council regarding ***"Charge of Office" and "Leaving Jurisdiction",*** *see Part II of Appendix No 3]*

Orders issued by the Governor General in Council under Fundamental Rule 17 (2)—With reference to clause (2) of this rule, the Governor General in Council has decided that the pay of officers recruited overseas who are entitled to a first class passage to India, shall commence from the date of disembarkation, subject to their proceeding to take up their duties without avoidable delay In the case of officers who receive a second class passage, pay shall commence from the date of embarkation for India

[G I, F D, Resolution No F 7 XX R I /28, dated 19th May 1928]

Government of India's decisions—

It has been decided with the concurrence of the Secretary of State that when officers recruited overseas who are entitled to first class passages to India are prevented from proceeding at once from the port of disembarkation in India to take up their appointments they should be granted 'leave not due' under F R 81 (c) (i) or (ii) as the case may require This order will apply in cases where delay on the part of an officer in joining his first appointment is due either to illness, or to private affairs Where delay is due to an officer's own fault or in cases presenting other exceptional circumstances, special orders will be required

The stipulation implied by the phrase 'without avoidable delay' in the orders above should be regarded as fulfilled if the officer reports for duty within the period allowed by the joining time rules with only

PART III.

Chapter IV.—Pay.

F. R. 19. Subject to the provisions of rules made under section 45-A of the Act, and to any restrictions which the Secretary of State in Council may by order impose upon the powers of the Governor General in Council or the Governor in Council, as the case may be, the fixation of pay is within the competence of a local Government; provided that, except in the case of personal pay granted in the circumstances defined in Rule 9 (23) (a), the pay of a Government servant shall not be so increased as to exceed the pay sanctioned for his post without the sanction of an authority competent to create a post in the same cadre on a rate of pay equal to his pay when increased.

Audit Instruction.—It is not the intention of Fundamental Rule 19 that it should give a local Government power to grant less pay than is permissible under Fundamental Rules 22 and 23

[Para. 1, Chap IV, Sec I of Manual of Audit Instructions (1926)]

Auditor General's decision.—The rule does not give a local Government power to grant pay in excess of what is permissible under other rules in the Fundamental Rules Thus it does not enable a local Government to grant an initial pay higher than what is permissible under Fundamental Rule 22 But once an initial pay is fixed under Fundamental Rule 22, Fundamental Rule 27 enables an authority mentioned therein to grant advance increment immediately Thus in fact, Fundamental Rules 22 and 27 read together enable an authority mentioned in Fundamental Rule 27 to fix initial pay in excess of the amount permissible by Fundamental Rule 22 only

[Ar G's No 1164 A/408 23, dated 20th November 1923]

F R 20. When a Government servant is treated as on duty under Rule 9 (6) (b), the local Government may, at their option, authorise payment to him of the pay of his substantive appointment, or of any lower rate of pay which the local Government may consider suitable. If the duty consists in a course of training or instruction, the pay admissible may, if the local Government so direct, be, instead of either of the rates just specified, the pay of any officiating appointment held by the officer at the time he was placed on such duty, but this rate of pay shall not be allowed for a period longer than that for which the officer would have held the officiating appointment had he not been placed upon a course.

Government of India's orders—

(1) The station service Telegraphists selected for training in connection with the Wheatstone method of working on the Madras-Rangoon wireless circuit should not be granted the General Service

scale of pay while under training, but only after they actually take charge of their new duties on completion of their training

[G I I & L D, letter No 39 T, dated 20th June 1929]

(2) Civilian Government servants, while undergoing training in the Army in India Reserve of Officers, will draw pay in accordance with the rule in paragraph 38, Appendix XXX, Regulations for the Army in India

[G I, F D, No F 111 R I/30, dated 16th August 1930]

(3) (4) *Government of India s decisions —*

(1) A Government servant, who, as an officer of the Army in India Reserve, carries out his military training on the expiry of leave out of India taken from his civil appointment, and before rejoining his civil appointment for duty, should receive pay as follows —

(i) Joining time civil pay from the date of disembarkation in India to the date preceding that on which his military training commenced

(ii) Full civil pay during the period of training

(This decision takes effect from the 21st July 1931 and has retrospective effect to cover any outstanding cases which are under consideration on this date

[G I, F D, No F 14 (25) R I/31, dated 17th Aug 1931]

(2) A reservist of the Indian Army in Civil employ will, when called up for periodical military training, receive military pay and allowances He will also receive the excess if any, of the Civil pay over his military pay, provided that this concession is specifically sanctioned by the Department of the Government of India or attached and subordinate office concerned, or by the Local Government in whose employ the reservist is serving in his Civil capacity Except where the Civil pay of the reservist is met from the Army Estimates the extra expenditure involved will not constitute a charge against the Army Estimates

The periods spent in training and on the journey to and from the place of training will be treated as duty for purposes of Civil leave, ~~pension~~ and increments of Civil pay

[G I, F D, No F 22 R I/32, dated the 14th April 1932.]

(3) It has been decided that when an Assistant Divisional Engineer Telegraphs, holding charge of a Division is placed on traffic training he should be given pay on the senior scale for that period only during which he would have continued to hold charge of a Division but for his training

[F A, P & T s Endt No S 105/5, dated 10th April 1933]

Audit Instructions—

(1) A Government servant who is treated as on duty during a course of instruction or training and who at the time when he was placed on such duty, was drawing higher pay on account of an officiating appointment may on every occasion during the period of instruction or training when he would have held that officiating appointment but for such instruction or training be allowed to draw pay equivalent to what he would have drawn had he been holding the officiating appointment

[Para. 2A, Chap IV, Sec I of Manual of Audit Instructions (1926)]

(2) The expressions the pay of his substantive appointment and the pay of any officiating appointment occurring in F R 20 should be taken to mean the *pay* which the Government servant drew in the post which he held substantively and the pay which the Government servant drew in the post in which he officiated respectively In neither case is there any restriction on the *kind* of pay to be drawn and the expressions should therefore be held to include special pay, if any, which the Government servant drew in the post which he held substantively or in an officiating capacity

[Para 2B Chap IV Sec I of Manual of Audit Instructions (1926)]

(3) See Sl (400

[1]F R 21 ***Time-scale Pay*** —**Rules 22 to 29 inclusive and Rule 31 apply to time scales of pay generally They do not, however, apply to any time scale sanctioned by the Secretary of State in Council in so far as they are inconsistent with terms specially so sanctioned for such time scale**

[2]**F R 22 The initial substantive pay of a Government servant who is appointed substantively to a post on a time scale of pay is regulated as follows**—

(a) If he holds a lien on a permanent post, other than a tenure post or would hold a lien on such a post had his lien not been suspended [3][*]—

(i) When appointment to the new post involves the assumption of duties or responsibilities of greater importance (as interpreted for the purposes of Rule 30) than those attaching to such permanent post, he will draw as initial pay the stage of the time scale next above his substantive pay in respect of the old post;

(ii) when appointment to the new post does not involve such assumption, he will draw as initial pay the stage of the time scale which is equal to his substantive pay in respect

[1] Figure 31 has been substituted for figure 32 with effect from the 18th Mar 1 1930

[2] This revised rule has effect from the 18th March 1930

[3][ ] deleted with effect from the 29th May 1934

next increment in the time scale of the *new post*, and forthwith lose the personal pay and all connection with the time scale of his old post. The personal pay is given to a Government servant only for the purpose of initial pay and not at any subsequent stage in the new time scale in which the Government servant might draw less pay than he would have drawn had he remained in the old time-scale.

[Para 3B, Chap IV, Sec I of Manual of Audit Instructions (1926).]

(3) When a Government servant is appointed to officiate in a post on a time scale of pay but has his pay fixed below the minimum of the time scale under F. R. 35, he must not be treated as having effectually officiated in that post within the meaning of F. R. 22, or having rendered duty in it within the meaning of F. R. 26. Such an officer on confirmation, should have his initial pay fixed under F. R. 22 (*b*) and draw the next increment after he has put in duty for the usual period required calculated from the date of his confirmation.

[Para 13, Chap IV, Sec I of Manual of Audit Instructions (1926).]

(4) A time scale may be of recent introduction, whereas the cadre or class to which it is attached may have been in existence on a graded scale before the time scale came into force or it may be that one time scale has taken the place of another.

If a Government servant has held substantively, or officiated in, a post in the cadre or class prior to the introduction of a new time scale, and has drawn during the period salary or pay equal to a stage, or intermediate between two stages in the new time scale, then the initial pay in the new time scale may be fixed at the salary or pay last drawn and the period during which it was drawn may be counted for increment in the same stage, or if the salary or pay was intermediate between two stages in the lower stage of that time-scale.

[Para 3, Chap IV, Sec I of Manual of Audit Instructions (1926).]

(5) The revised F. R. 22 is applicable in cases in which the occasion for fixation of pay arose on or after the date of effect of the revised rule, *i e*, the 18th March 1930. In cases where the occasion arose before the 18th March 1930 but the question of fixation of pay is taken up after that date, the *old* F. R. 22 should be applied.

(b) [Para 3C, Chap. IV, Sec I of Manual of Audit Instructions (1926).]

Auditor General's decisions —

(1) Temporary posts on the usual time scale rates of pay sanctioned for an Accounts Office form a temporary addition to the cadre of that office. Under the orders contained in G. I. F. D. letter No. 1-15 C. S. R./27, dated the 22nd January 1927 [item (1) of 'Government of India's decisions' above], reversion to the ordinary cadre of a service from a post outside the cadre does not constitute 'substantive appointment to a post' for the purpose of F. R. 22. When, therefore a Government servant reverts from a temporary post which he held substantively to his former permanent substantive post, F. R. 22 does not apply.

[Ar. G.'s letter No. T-375/NGE/109-29, dated 23rd May 1929.]

(2) It has come to the notice of the Auditor General that a specific declaration as to the relative degree of responsibility is some times called for by the Audit Officer even in cases where it is obvious beyond doubt that the duties attaching to the new post carry a higher degree of responsibility than those attaching to the old post.

No. 35.

Page 151, Section III, F R 22—

Insert the following as item (3) of the "Auditor General's decisions" under this rule —

"(3) In the case of a Government servant appointed substantively to a post in which he had previously officiated and whose present substantive pay is the same as the pay which he drew when last officiating, *old* F R 22 (*b*) laid down that he should draw an initial pay equal to that pay and count for increment in that stage the period during which he was drawing that pay But the position has been altered deliberately in the revised F R 22 under which the initial pay of such a Government servant substantively appointed to a post should be fixed with reference to his substantive pay in respect of the old post It has therefore been held that a Government servant when appointed to a post substantively while officiating in it is entitled to have his pay fixed anew under the revised F R 22 with reference to his substantive pay at the time in respect of his old permanent post"

[Ar G's No T 1170 A/140 34 dated the 11th September 1934]

[No 35 dated the 18th March 1936]

post, or

(2) is appointed substantively to a tenure post the time scale of which has been reduced without a diminution in the duties or responsibilities attached to it and has previously held substantively or officiated in another tenure post on a time scale identical with the unreduced time scale of the tenure post,

then the initial pay shall not be less than the pay, other than special pay, personal pay or emoluments classed as pay by the Governor General in Council under Rule 9 (21) (a) (iii), which he would have drawn under Rule 22 on the last such occasion, if the reduced time-scale of pay had been in force from the beginning and he shall count for increments the period during which he would have drawn that pay on such last and any previous occasions

[*For Re employed Personnel (Conditions of Service) Rules 1923*, see *Appendix No 5 A*]

[1] This new rule has effect from the 16th July 1931 in respect of personnel other than those governed by the Re employed Personnel (conditions of service) Rules 1932 the Re employed personnel of the Experimental Accounts and Audit Offices (conditions of service) Rules and the Re employed Personnel of the Central Accounts Office Public Works Department and the Central Public Works Department (conditions of service) Rules.

F. R. 23. The holder of a post, the pay of which is changed, shall be treated as if he were transferred to a new post on the new pay, provided that he may at his option retain his old pay until the date on which he has earned his next or any subsequent increment on the old scale, or until he vacates his post or ceases to draw pay on that time scale The option once exercised is final.

Audit Instructions—

(1) This rule applies to an officiating as well as to a substantive holder of a post

[Para 4, Chap IV, Sec I of Manual of Audit Instructions (1926)]

(2) The expression 'subsequent increment in the old scale' in the proviso to F R 23 should be held to include grade promotion in cases in which a time scale of pay has been substituted for a graded scale of pay

[Para 5A, Chap IV, Sec I of Manual of Audit Instructions (1926)]

F. R. 24 An increment shall ordinarily be drawn as a matter of course unless it is withheld An increment may be withheld from a Government servant by a local Government, or by any authority to whom the local Government may delegate this power under Rule 6, if his conduct has not been good or his work has not been satisfactory. In ordering the withholding of an increment, the withholding authority shall state the period for which it is withheld, and whether the postponement shall have the effect of postponing future increments.

F. R. 25. Where an efficiency bar is prescribed in a time-scale, the increment next above the bar shall not be given to a Government servant without the specific sanction of the authority empowered to withhold increments.

Government of India's Order—On each occasion on which an officer is allowed to pass an efficiency bar which had previously been enforced against him, he should come on to the time scale at such stage as the authority competent to declare the bar removed may fix for him, subject to the pay admissible according to his length of service

[G I, H D, letter No F 917 Ests, dated 2nd October 1922, also Ar G's No 997 A & A /255-21, dated 16th May 1921]

The above ruling applies only to the fixation of pay in the time-scale in which the efficiency bar has been applied A bar applied in a junior time scale of a service should not therefore affect an officer's pay in the senior time scale, he should be paid in the latter scale according to his length of service unless his pay in such scale is actually affected by the operation of an efficiency bar or by a discip

No 615

Page 152, Section III, F R 25—

Insert the following Government of India's decision under this rule —

"*Government of India's decision*—The cases of all officers held up at an efficiency bar should be reviewed annually with a view to determine whether the quality of their work has improved and, generally, whether the defects for which they were stopped at the bar have been remedied, to an extent sufficient to warrant the removal of the bar "

[Government of India Home Department letter No 9/1/42 Ests dated the 25th April 1942 and Government of India, Finance Department endorsement No D [illegible] Ex II 42 dated the 17th May 1942 copies received under Auditor General's endorsement No [illegible] GBF 306 42, dated the 23rd May 1942]

(No 615 dated the 29th June 1942.)

F. R. 26. The following provisions prescribe the conditions on which service counts for increments in a time scale:—

[1](a) All duty in a post on a time-scale counts for increments in that time scale

[2](b) Service in another post, whether in a substantive or officiating capacity, service on deputation and leave other than extraordinary leave count for increments in the time-scale applicable to the post on which the Government servant holds a lien, as well as in the time scale applicable to the post or posts, if any, on which he would hold a lien had his lien not been suspended.

Provided that the Governor General in Council shall have power, in any case in which he is satisfied that the leave was taken on account of illness or for any other cause beyond the Government servant's control, to direct that extraordinary leave shall be counted for increments under this clause.

[3](c) If a Government servant, while officiating in a post or *holding a temporary post on a time-scale of pay*, is appointed to officiate in a higher post or to hold a higher temporary post, his officiating or temporary service in the higher post shall, if he is re-appointed to the lower post, count for increments in the time-scale applicable to such lower post. [4][The period of officiating service in the higher post which counts for increment in the lower *is, however, restricted to the period during which the* Government servant would have officiated in the lower post but for his appointment to the higher.] This clause applies also to a Government servant who is not actually officiating in the lower post at the time of his appointment to the higher post, but who would have so officiated had he not been appointed to the higher post.

(d) If a Government servant's tenure of a temporary post is interrupted by duty in another post or by leave other than extraordinary leave or by foreign service, such duty, leave or foreign service counts for increments in the time-scale applicable to the temporary post if the Government servant returns to the temporary post.

Provided that the local Government shall have power, in any case in which they are satisfied that the leave was taken on account of illness or for any other cause beyond the Government servant's control, to direct that extraordinary leave shall be counted for increments under this clause.

(e) Foreign service counts for increments in the time scale applicable to—

[5](i) *The post in Government service on which the Government servant concerned holds a lien as well as the*

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[1] The amended clause has effect from the 18th March 1930

[2] This revised clause has effect from the 29th May 1934

[3] The amended clause has effect from the 18th March 1930

[4] [ ] Inserted with the previous sanction of the Secretary of State in Council with effect from the 22nd January 1935

[5] This revised sub-clause has effect from the 29th May 1934

No. 667. *Page 155*, Section III, F R 26—*Insert* the following as item (4) of the Government of India's decisions below this rule —

"(4) The Governor General in Council has decided that the period spent in 'war serv
as defined in
1942 *(relevant
permitted by t
return with approved 'war service to a civil post, and subject to the condition that the app
ing authority certifies that he would, but for his transfer to 'war service', have contin
ost, be taken into considera
his return from 'war serv

In order that the concession allowed in the preceding paragraph may, in cases where the pe returns to his former post be admissible under Fundamental Rule 26 the Governor Gener Council has declared that all cases of transfer with permission to war service during the pre war should be treated as transfers to higher posts for the purpose of clause (c) of that rule, that clause (d) thereof will also apply in such cases of transfer even though the person conce had held the original temporary civil post in an officiating capacity at the time of his transf war service

In cases not covered by Fundamental Rule 26, *e g*, the case of a person who on return from ' service' is re employed in a civil post other than the one he held previously permane

... for his transfer to
service

[Government of India Finance Department endorsement No 1 11(4) Ex I 41 dated the 2nd March 19

*. . *It has* accordingly been decided to adopt the following definition of war service

(*a*) Service of any kind in a unit or formation liable for overseas,

(*b*) Service in India under Military Munitions or Stores authorities with a liability to overseas

(*c*) All other service involving subjection to Naval Military or Air Force law,

(*d*) A period of training with a Military unit or formation involving liability to serve oversea

(*e*) Whole time service in any civil defence organisation specified in this behalf by the Central the Provincial Government and

(*f*) Such other service as may hereafter be declared as war service for the purpose of definition

(5.) see Sip 678

(No 667, dated the 28th March 1943)

No 678

Page 155, Section III, F R 26—

Insert the following as item (5) of the Government of India's decision below this rule —

"(5) The Governor General in Council has decided that the non-gazetted personnel of the Posts and Telegraphs Department employed in Posts and Telegraphs Field Units and promoted to a Gazetted rank on the Civil side in an officiating capacity will be allowed to count the periods of such officiation for increments in Gazetted rank on subsequent reversion to Civil side even though they did not draw the pay of that rank during the period of officiation referred to"

[Financial Adviser (Communications') endorsement No W-44 11|42, dated the 8th April 1943]

(No 678, dated the 25th May 1943)

post or posts, if any, on which he would hold a lien had his lien not been suspended, and

(ii) any post to which he may receive officiating promotion under Rule 113 below, for the duration of such promotion.

[*Example*.—A, pay Rs 800—1,000 acted in the grade of Rs 1,000—1,200 on the minimum pay from 16th April 1921 to 6th April 1922 and then proceeded on 10 months leave on average pay from 7th April 1922 He was promoted substantively to the grade of Rs 1,000—1,200 on 2nd August 1922 (while on leave)

He can count the period from 16th April 1921 to 6th April 1922 as well as the period of leave from 2nd August 1922 to 6th February 1923 for increment in the scale of Rs. 1,000—1,200 as he had a lien on a post in that grade with effect from that date (*Vide* F Rs 12 (c) and 26 (b))]

[Ar G s No 816 A /299 23, dated 24th July 1923]

Secretary of State's decision.—Under paragraph 4 of Government of India Finance Department letter No 1079 C S R, dated the 26th October 1921 (*vide* entry below Fundamental Rule 58), Government servants who elect the leave rules in the Fundamental Rules and take leave for the first occasion after the introduction of those rules have the option of drawing, during the por-

No. 165.

Page 154, Section III, F. R. 26—

Insert the following as item (2) of the Secretary of State's orders below this Rule, the existing one being numbered (1).—

(2) In connection with [illegible]
Director, Intelligence [illegible]
basis, the question was rais[illegible]
8 of the Finance Departme[illegible]
August 1921 [*Vide* Secretary [illegible]
to him. The Government of India have consulted the Auditor General who agrees that outside the transitional stage when posts on graded pay were changed to time-scales, these orders do not permit any concessions which are not now admissible under the ordinary Fundamental Rules, while on the other hand they restrict the grant of the concession which is permissible under Fundamental Rule 26 (d). As, however, these orders are protected by Funda[illegible]
ed by the Secretary of [illegible]
tion. The Secretary [illegible]
of India to apply, in consultation with the Auditor General, the principles of the Fundamental Rules in cases in which concessions admissible under the Fundamental Rules cannot be applied to a period of service in an administrative post.

[G. I., F. D Endorsement No. F. 27 (24) Ex I/36, dated the 18th August 1936]

(No. 165, dated the 23rd December 1936)

posts as to permit them to draw, with effect from the 30th April 1921 pay in the time-scale now applicable to those posts calculated on the assumption that all service of the kinds in question has counted for increments.

[Para 8 of G I, F. D Resolution No 1559 E. A., dated 16th Aug 1921]

No. 607. *Page 155,* Section III, F R 26—*Insert* the following as item (4) of the Government of India's decisions below this rule —

"(4) The Governor General in Council has decided that the period spent in 'war serv[ice]' as defined in the Government of India, Home Department, Press Communique, dated the 14th [...] 1942 *(relevant extract given below)* by a temporary Central Civil Government servant wh[o] p[e]rmitted by the appropriate civil authority to undertake such service shall, in the event o[f] return with approved 'war service' to a civil post, and subject to the condition that the appo[int]ing authority certifies that he would, but for his transfer to 'war service', have contin[ued] [...]ost, be taken into considera[tion] [...] his return from 'war serv[ice]'

In order that the concession allowed in the preceding paragraph may, in cases where the pe[rson] returns to his former post be admissable under Fundamental Rule 26 the Governor Gener[al in] Council has declared that all cases of transfer with permission to war service during the pre[sent] war should be treated as transfers to higher posts for the purpose of clause (c) of that rule, [and] that clause (d) thereof will also apply in such cases of transfer even though the person conce[rned] had held the original temporary civil post in an officiating capacity at the time of his transf[er to] 'war service

In cases not covered by Fundamental Rule 26, e g, the case of a person who on return from '[war] service' is re employed in a civil post other than the one he held previously permanen[...]

[...]ervice

[Government of India Finance Department endorsement No F 11(1) Ex I 43 dated the 2nd March 19[43]]

* . It has accordingly been decided to adopt the following definition of war service

(a) Service of any kind in a unit or formation liable for overseas,

(b) Service in India under Military Munitions or Stores authorities with a liability to [serve o]verseas

(c) All other service involving subjection to Naval Military or Air Force law,

(d) A period of training with a Military unit or formation involving liability to serve over[se]a[s]

(e) Whole time service in any civil defence organisation specified in this behalf by the Central [or t]he Provincial Government and

(f) Such other service as may hereafter be declared as war service for the purpose of [this d]efinition

(5) see s[l]ip 678

[N ... dated the 28th March 1943]

No. 678

Page 155, Section III, F R 26—

Insert the following as item (5) of the Government of India's decision below this rule —

"(5) The Governor General in Council has decided that the non-gazetted personnel of the Posts and Telegraphs Department employed in Posts and Telegraphs Field Units and promoted to a Gazetted rank on the Civil side in an officiating capacity will be allowed to count the periods of such officiation for increments in Gazetted rank on subsequent reversion to Civil side even though they did not draw the pay of that rank during the period of officiation referred to".

[Financial Adviser (Communications') endorsement No W-44-11|42, dated the 8th April 1943]

post or posts, if any, on which he would hold a lien had his lien not been suspended, and

(ii) any post to which he may receive officiating promotion under Rule 113 below, for the duration of such promotion.

[*Example*.—A, pay Rs 800—1,000 acted in the grade of Rs 1,000—1,200 on the minimum pay from 16th April 1921 to 6th April 1922 *and then proceeded* on 10 months' leave on average pay from 7th April 1922 He was *promoted* substantively to the grade of Rs 1,000—1,200 on 2nd August 1922 (while on leave)

He can count the period from 16th April 1921 to 6th April 1922 as well as the period of leave from 2nd August 1922 to 6th February 1923, for increment in the scale of Rs. 1,000—1,200 as he had a lien *on a post in that grade* with effect from that date (*Vide* F. Rs 12 (c) and 26 (b))]

[*Ar. G.'s No. 815 A./299 23, dated 24th July 1923.*]

Secretary of State's decision.—Under paragraph 4 of Government of India, Finance Department, letter No 1079 C S R., *dated the 26th October 1921* (*vide* entry below Fundamental Rule 58), Government servants who elect the leave rules in the Fundamental Rules and take leave for the first occasion after the introduction *of* those rules have the option of drawing, during the por-

No. 165.

Page 154, Section III, F. R. 26—

Insert the following as item (2) of the Secretary of State's orders below this Rule, the existing one being numbered (1) :—

(2) In connection with the leave taken by X,—— the Deputy Director, Intelligence ———, when the organisation was on a temporary basis, th[illegible]
8 of the [illegible]
August 1[illegible]
to him. The Government [illegible]
who agrees that outside the transitional stage when posts on graded pay were changed to time-scales, these orders do not permit *any concessions* which are not now admissible under *the ordinary Fundamental Rules*, [illegible] on the other hand they restrict the grant of the concession which is [illegible]

the Fundamental Rules cannot be applied to a period of service [illegible] administrative post.

[G. I., F. D. Endorsement No. F. 27 (24) Ex. I/36, dated the 18th August 1936]

(No. 165, dated the 23rd December 1936)

posts as to permit them to draw, with effect from the 30th April 1921, pay in the time-scale now applicable to those posts calculated on the assumption that all service of the kinds in question has counted for increments.

[Para 8 of G. I., F. D. Resolution No 1559 E. A., dated 16th Aug 1921.]

F. R. 28. The authority which orders the transfer of a Government servant as a penalty from a higher to a lower grade or post may allow him to draw any pay, not exceeding the maximum of the lower grade or post, which it may think proper

[1]F. R. 29. If a Government servant is, on account of misconduct ... post or to a lower stage in

No. 702.

Page 157, Section III, F R 29—

Insert the following as " Auditor General's decision " below this Rule -

"*Auditor General's decision* —Having regard to the principle underlyin[g] ...mental Rule 29, the question as to whether an increment falling due d[uring the] period of reduction should or should not be allowed is one necessarily to b[e] ... with reference to the exact terms of the orders of the punishing authority ... Audit Officer feels any doubt about the intention underlying the orders of [the pun]ishing authority, he has simply to ascertain it and act accordingly "

[Auditor General's u/o No 917/308 42, dated the 9th December 1942]

those enumerated in the ... (No. 702, dated the 28th Novembe[r] ... appointment involves the assumption of duties and responsibilities of greater importance than those attaching to the post, other than a tenure post, on which he holds a lien or would hold a lien had his lien not been suspended [3][*].

Provided that the local Government ... operation of this Rule any service ...

No. 646

Page 156, Section III, F R 26—Insert the following as Audit decision below this Rule —

" *Auditor General's decision* —The Auditor General has ... concurrence of the Government of India that in the case of ... ed from outside India ' Service ' for the purpose of cal... the time scale of pay of the Indian Ecclesiastical est... from the date of their disembarkation in India '

[Auditor General's endorsement No 841 1/216 42, d...

...ncil may ... the holders of this Rule ...rnor General in ...ciating promotion authority competent ... and may thereupon be granted the same pay (whether with or without any special pay attached to such posts) as they would have received if still in the ordinary line.

(2) For the purpose of this Rule, the officiating appointment shall not be deemed to involve the assumption of duties or responsibilities of greater importance if the post to which it is made is on the same scale of pay as the permanent post, other than a tenure post, on which he holds a lien or would hold a lien had his lien not been suspended [3][*], or on a scale of pay identical therewith

1 This revised rule has effect from the 17th October 1923.
2The amended rule has effect from the 18th March 1930
3[*] deleted with effect from the 29th May 1934

SCHEDULE

(1) District and Sessions Judges, 1st grade

(2) Sub Collectors, 1st grade, in the Madras Presidency

(3) Selection Grade of the Indian Police Service

(4) Accountants General, Class I

(5) Chief Engineers Indian Service of Engineers, State Rail

(6) Selection posts of Collectors of Customs on pay of Rs

~~(7) Selection~~ grade on pay of Rs 2 500 sanctioned for masters General who are not members of the Indian Civil Ser

(7)~~(8)~~ The following grades in the Telegraph Department —

~~(a) Deputy Superintendent, Traffic, 1st class~~

a (b) Deputy Assistant Engineers, ~~1st class~~ Grade A

(b)(c) Deputy Assistant Electricians, ~~1st class~~ Grade A

(8) Commissioners First Grade in the Bombay Presidency

(9)~~(10)~~ Second Secretary to the Government of Madras

Government of India's decisions—

(1) It has been brought to notice that some doubt has been as to the application of the exception under Fundamental Rule [proviso under *revised* Fundamental Rule 30 (1)] in the case ministerial and other establishments in which there are no gr in the sense in which the word is used in Civil Service R g lati The exception (proviso) is intended to cover, where necessary cases of the grant of acting allowance from one fixed rate of to another without change of duty in other than all India services

[G I, F D, No 733 C S R, dated 13th July 192?]

(2) The Government of India have decided that the Fundamer Rules regarding acting allowances should be applied to t[illegible] ts Telegraphs Department as a whole with effect from 1st J ly 1922

[G I, I & L., No 74 P T /23, dated 17th December 19?4]

(3) See item (2) of "Government of India's decisions un F R 22

(4) ——————

Audit Instructions—

(1) ——

(1) (i) It is not intended that the phrase outside the ordin line of service in the second proviso to clause (1) of Fundamen Rule 30 should be rigidly interpreted either as outside the cadre o service or as 'outside the ordinary time scale' The form of wo adopted was designed to allow the Government of India to exerc their discretion in regard to cases where exceptional circumstan which could not be foreseen and provided for by rule, might arise

No. 580.

..ge 158, Section III, Fundamental Rule 30—

Insert the following as item (10) of the Government of India's decision below ..s Rule :—

" *Guiding principle for the working of the ' Next below ' Rule.*

(10) The Secretary of State has sanctioned the adoption of the follow-..g guiding principle in regard to the working in future of the ' next below ' ..ule

The intention of the so called rule was apparently that an officer out of his ..egular line should not suffer by forfeiting acting promotion which he would ..therwise have received had he remained in his regular line From that it

No. 634.

.. 158 Section III, F R 30—

No. 752.

Page 158 Section III, F. R. 30—

Delete items (1) and (2) of the Auditor General's Instructions below item (10) of the Government of India's decision under this Rule, as inserted by correction slip *No.* 580, dated the .. January 1942.

[Auditor General's .. March 1944]

No. 722. *Page 158, Section III,* ..ing as item (13) of the .. of India's decisions below this Rule :—

(13) The Government of India h..sioned Officers of the C.. Force the concession contained in Gov.. Department letter No. (S).. I/42, dated the 7th November 1942 ..ment of India's decision.. inserted by correction slip No. 6.., d..

G I F D Endst No ..-WI/43 da.. ..42, dated the ..th March (4)

..rt the follow.. ..sions below this Rule —

" (11) The Government of India have had under consideration the

No. 704.

Page 158, Section III, F R 30—

Insert the following as item (12) of the Government of India's decision be.. this Rule —

" (12) The Governor General in Council has decided that posts in the Def.. Services held by permanent civil officers, who being officers of the Army in I.. Reserve of Officers have been called out to Military Service, shall also be spec.. as posts ' outside the ordinary line of a service " for the purpose of the sec.. proviso to Fundamental Rule 30 (1) " See Slip 772

[G I F D, Endorsement No F 15 (18) Ex I 42, dated the 28th July 1943]

(No 704 dated the 28th November 194..

will count for increments in a post on a higher scale if he would, but for his appointment in the Defence Services, have officiated in the higher scale post in Civil employ, and provided also that the precedent conditions for the application of the 'next below rule', as set forth in the first .. to the Home Department letter No F 52/36 Ests, dated the ..y 1936 [item (10) of the Government of India's decisions above, by correction slip No 580, dated the 27th January 1941] have

D.. ..t No. F 15(16) Ex I 42 dated the 7th November 1942.]

(No 656 dated the 25th January 1943)

(ii) The specification of a post under this proviso will enable a Government servant to count service in that post for increment in the grade in which he would have officiated had he not been holding the specified post

[Para 7 C, Chap IV, Sec I of Manual of Audit Instructions (1926)]

Audit Rulings—

No. 583.

Page 159, Section III, Fundamental Rule 30—

Insert the following as item (2) of the Auditor General's decision below thi Rule, the existing entry being numbered as (1) —

No. 753. - appointed to hold extra cadre posts ... they not been sc

Page 159, Section III, F. R. 30—

Delete item (2) of the Auditor General's decision below this Rule, as inserted by correction slip No 583, dated the 27th January 1942.

[Auditor General's letter No 146-A/177—43, dated the 28th March 1944]

e 1944)

... necessary in all such

(No 583, dated the 27th January 1942).

pay of that post, provided ... [except in the case ... servant whose appointment to the post in which he is officiating was made on his own request under Rule 15 (a),] if the presumptive pay of the permanent post on which he holds a lien or would hold a lien had his lien not been suspended [3][*] should at any time be greater than the presumptive pay of the post in which he officiates, he will draw the presumptive pay of the permanent post

(1)

Government of India s decision—The pay of Telegraphists of the general, local or station service appointed to officiate as Telegraph Master should be regulated on the basis of the pay of the service (general local or station) to which the officiating Telegraph Master ... and not of the pay of the Telegraph Master who is the

... 21st June 1927]

No. 338.

Page 159, Section III, Fundamental Rule 31—

Insert the following as item (2) of the Government of India's decision below this rule, the existing decision being numbered as (1) —

(2) See Government of India's decision No 5 below Fundamental Rule 30 as inserted by correction slip No 337, dated the 28th November 1938

(No 338, dated the 28th November 1938

Audit Instructions—

Allowance of 10s 6d a day to King's Honorary Physicians and Surgeons who are Lieutenant Colonels or Brevet Colonels in the Indian Medical Service.—When a Lieutenant Colonel or a Brevet Colonel in the Indian Medical Service in receipt of the allowance officiate in and draws the pay of a post held substantively by a Colonel or a General Officer, the issue of this allowance, should be suspended

[Para 9A Chap IV, Sec I of Manual of Audit Instructions (1926)]

F. R. 32. *Deleted.* [With effect from the 18th March 1930]

F. R. 33. When a Government servant officiates in a post the pay of which has been fixed at a rate personal to another Government servant, a local Government may permit him to draw pay at any rate not exceeding the rate so fixed or if the rate so fixed be a time scale, may grant him initial pay not exceeding the lowest stage of that time scale and future increments not exceeding those of the sanctioned scale.

Audit Instruction.—If a Government servant who is personally qualified to draw overseas pay, is appointed to officiate in a post on a time scale the pay of which is fixed personally for the substantive holder of the post and includes sterling overseas pay, the lowest stage in the time scale, for the purposes of F R 33, is the minimum of the time scale *plus* the sterling overseas pay included in the pay fixed personally for the substantive holder of the post A local Government is therefore competent to grant to such officiating Government servant the sterling overseas pay included in the pay fixed personally for the substantive holder of the post

[Para 11A Chap IV Sec I of Manual of Audit Instructions (1926)]

F R. 34 *Deleted.* [With effect from the 18th March 1930]

F R 35 A local Government may fix the pay of an officiating Government servant at an amount less than that admissible under these rules.

Government of India's decision ——

Audit Instruction.—One class of case falling under this rule is that in which a Government servant merely holds charge of the current duties and does not perform the full duties of the post

[Para 12 Chap IV Sec I of Manual of Audit Instructions (1926)]

F R. 36. A local Government may issue general or special orders allowing acting promotions to be made in the place of Government servants who are treated as on duty under Rule 9 (6) (b).

Government of India's orders—

(1) The Government of India have ordered that Superintendents of Post Offices should be allowed to draw, while undergoing a course of training in telegraphy, the pay or salary which they were drawing

before their period of training commenced or which they would otherwise have drawn in the regular line and that officiating appointments may be made in place of Superintendents attached to the Telegraph Training class

[G I, C I D, letter No 8453 192, dated 24th Nov 1910]

(2) The Government of India have delegated to the Auditor General the power to authorise non gazetted Government servants in his office, or in the offices under his control, to undergo a course of training or instruction in any office, whether in the Audit Department or outside it They are also pleased, under Fundamental Rule 36, to allow officiating arrangements to be made in place of Government servants authorised to undergo a course of training under these orders

[G I F D No 3379 F E dated 29th Nov 1924]

(3) The Government of India have authorised the Director General of Posts and Telegraphs to sanction, under F R 36, acting promotions in place of officials of the Posts and Telegraphs Department not directly appointed by the Government of India, who are treated as on duty under F R 9 (6) (*b*)

[G I, I & L D No 27 P T E, dated 6th Aug 1926 and No 27 P T E, dated 6th September 1926]

(4) Acting promotions may be made in the place of Government servants undergoing training in the Army in India Reserve of Officers and the Indian Territorial Force, who under paragraph 38, Appendix XXX, Regulations for the Army in India, Army Instruction (India), No B 37 of 1927, and Royal Air Force Instruction (India), No 87 of 1927, are treated during the period of training as on duty for the purpose of civil leave and pension and for increments of civil pay

[G I, F D, Memo No F 60 R I/28 dated 30th April 1928 and G I, F D, No F 111 R I/30, dated 16th August 1930]

(5) The Governor General in Council has decided that an Engineering Supervisor may be appointed as officiating Deputy Assistant Engineer, Telegraphs, Grade B, in the vacancies, caused by the placing of Divisional or Assistant Divisional Engineers, Telegraphs, under Traffic Training

[F A P & T s Endt No SA 27 (4) 31 dated the 9th Nov 1932]

(b) See slip 481

F. R. 37. *Personal pay*—Except when the authority sanctioning it orders otherwise, personal pay shall be reduced by any amount by which the recipient's pay may be increased, and shall cease as soon as his pay is increased by an amount equal to his personal pay.

GI

No. 564.

Page 161, Section III, Fundamental Rule 37—

Insert the following as "Government of India's decision" below the rule —

"*Government of India's decision*—Personal pay granted to Station Service Telegraphists on their transfer thereto from the General Service is not to be absorbed in the special pay drawn as Baudot Supervisors, Testing Telegraphists, etc"

[F. A (C s) endorsement No E S A. 36/38/15, dated the 15th May 194]

(No 564, dated the 23th June 1

Audit Instruction.—In their Finance Department letter No 2201-C S R, dated the 20th December 1923, read with their letter No F-45 C S R, dated the 19th July 1924, the Government of India have ruled that when a Government official is nominated as a member of the Legislative Assembly or the Council of State, it is permissible for the local Government to create a temporary post for the period of his absence from his headquarters and to appoint him thereto Officiating arrangement may then be made under the ordinary rules for the performance of his regular duties at his permanent headquarters

[Part 14 Chap IV S 1 of Manual of Audit Instructions (1926)]

F. R. 39. ***Pay of temporary posts*.—When a temporary post is created which may have to be filled by a person not already in Government service, the pay of the post shall be fixed with reference to the minimum that is necessary to secure the services of a person capable of discharging efficiently the duties of the post.**

F. R. 40. When a temporary post is created which will probably be filled by a person who is already a Government servant, its pay should be fixed by the local Government with due regard to.—

(a) the character and responsibility of the works to be performed, and

(b) the existing pay of Government servants of a status sufficient to warrant their selection for the post.

Government of India s order 1.* * * Although it has been incorrect since the Fundamental Rules superseded the Civil Service Regulations to refer to officials holding temporary posts created for special purposes outside the regular line of their service as being on deputation or on special duty ' recommendations are still commonly made in the obsolete terms of the Civil Service Regulations, and these terms are accordingly used for convenience in this order All such posts are now technically temporary posts added to the cadre of the holder s service, and the rule governing the fixation of pay for the holders is Fundamental Rule 40 * * * The correct method is to fix a consolidated pay split up if convenience so dictates into rupee and sterling elements Possibly through the influence of Fundamental Rules 22 and 30, before they we[re] amended in March 1930 to eliminate the unintentional extrava[gance] of enhanced pay for a mere change in the character of duties per[form]ed, the tendency has gradually grown up of sanctioning enhan[ced pay] for all posts temporarily created outside the ordinary line wit[hout] regard to the provisions of Fundamental Rule 40 It has acc[ordingly] been ordered that the following principles should strictly be [observed] in fixing pay of such posts —

(i) A Government servant placed on "special duty" or deputation ' should have the pay of his temporary

fixed at what his pay would have been from time to time in the regular line had he not been so deputed

NOTE.—If the sanctioning authority is satisfied that a Government servant so deputed would otherwise have been advanced very shortly afterwards to a post carrying higher pay than that which he was drawing at the time his special duty ... and would continue to hold such a post ...

No 193

Page 103, Section III, Fundamental Rule 40—

Insert the following as item (2) of the Government of India's order below this rule numbering the existing Government of India's order as item (1)—

Government of India's order (2) —As the fixation of a consolidated rate of pay of temporary posts has on some occasions led not to economy but to extravagance the orders contained in item (1) above are amplified and restated as follows —

Temporary posts may be divided into two categories—posts created to perform the ordinary work for which permanent posts already exist in a cadre, the only distinction being that the new posts are temporary and not permanent, and isolated posts created for the performance of special tasks unconnected with the ordinary work which a Service is called upon to perform An example of the latter type of post would be a post on a commission of enquiry A distinction by strict verbal definition is difficult but in practice there should be little difficulty in applying the distinction in individual cases The former class of post should be considered to be a temporary addition to the cadre of a service whoever may be the individual appointed to the post The power of authorities to create such a post will therefore depend on the provision of the Civil Services (Classification, Control and Appeal) Rules read with the provision contained in the Book of Financial Powers The latter class of temporary post should be considered as unclassified and isolated ex cadre posts the power to create which will depend upon the provisions contained in the Book of Financial Powers

2 Temporary posts which by this criterion should be considered as temporary additions to the cadre of a Service should be created in the time scale of the Service ordinarily without extra remuneration Incumbents of these posts will therefore draw their ordinary time scale pay If the posts involve decided increases in work and responsibility in comparison with the duties of the parent cadre generally, it may be necessary to sanction a special pay in addition

3 For isolated *ex* cadre posts it may occasionally be desirable to fix consolidated rates of pay Where, however, the post is to be held by members of a Service it will ordinarily be preferable also to create the post in the time-scale of the holder s service

[G I, F D Office Memorandum No F 27 (34) Ex 1 36, dated the 5th December 1936]

(No 193, dated the 29th April 1937)

† This revised rule has effect from the 26th July 1932

F. R. 43. The amount of subsistence grant shall be regulated as follows:—

[1](a) In the case of a member of the Indian Civil Service, a statutory Civil servant or a military commissioned officer ... shall be such as the

No. 64.

Page 164, Section III, F. R. 43—

Delete this rule together with the " Audit Instruction " thereund

[G. I, F. D, Notfn No F 10 (18) R. I /34, dated 12th December 19

[No. 64, dated the 18th March 1

of the suspended Government servant

Audit Instruction—While the suspending authority has discretion under Fundamental Rule 43 (*b*) to fix the amount of subsistence grant at such figure as it may think fit, subject to the prescribed maximum it has no authority under clause (*b*) of Fundamental Rule 53 to refuse a subsistence grant altogether in any case which falls under that clause

[Para 16, Chap IV, Sec. I of Manual of Audit Instructions (1926)]

1 This revised clause has effect from the 26th July 1932

Chapter V.—Additions to Pay

F. R. 44. *Compensatory allowances.*—Subject to any restrictions which the Secretary of State in Council may by order impose upon the powers of the Governor General in Council or the Governor in Council, as the case *may be, and to the general r'le* that the amount ... that the allowance ... t, a Local Govern- ... ent servant under its control and may make rules prescribing their amounts and the conditions under which they may be drawn

see Sl. 374

No. 374

Page 165, Section III, F R 44—

Insert the following in parenthesis just below this Rule —

[For the Travelling Allowances (Secretary of State's Officers) Rules 1939 *see* Appendix 5C of Vol II]

(No 374, dated the 1st May 1939)

(1) The Governor General in Council has authorised the Director General of Posts and Telegraphs to sanction house rent allowance to the inferior servants employed in the Telegraph Traffic and Engineering Branches in cases where the conditions of the grant of such allowance and the amount have been laid down in the case of inferior servants of the Post Office In such cases it may be presumed that the consent of the competent authority has been obtained

[G I I & L D No 76 P T dated 16th Sept 1924]

(2) (i) The ... ctioned the grant, with effect from 1st ... Postmasters Sub-Post masters, and I ... who are not provided with free quarters of house rent allowance not exceed ...

No. 653.

Page 165, Section III, Fundamental Rule 44—

Insert the following as sub-paragraph to item 2(i) of the Government India's orders below this Rule —

"Subject to the same conditions, the Governor General in Counc pleased to delegate to the Heads of Postal Circles the powers to sanction grant of House Rent Allowance to such Departmental Postmasters, S Postmasters and Branch Postmasters, as are entitled to, but are not actu provided with free quarters "

[F A (C's) Endorsement No A 21 1)/42, dated the 9th November 1942]

[No 653, dated the 28th January 1943]

... Telegraphs to sanction house rent allowance t Postmasters who are not provided with free quarters, in ch town offices in certain special localities at rates not exceeding specified below The grant of these allowances is subject

F. R. 43. The amount of subsistence grant shall be regulated as follows:—

[1](a) In the case of a member of the Indian Civil Service, a statutory Civil servant or a military commissioned officer ... shall be such as the

No. 64.

Page 164, Section III, F. R. 43—

Delete this rule together with the "Audit Instruction" thereunder.

[G. I, F D, Notfn No F 10 (18) R I /34, dated 12th December 1935]

[No 64, dated the 18th March 1936]

of the suspended Government servant

Audit Instruction—While the suspending authority has discretion under Fundamental Rule 43 (*b*) to fix the amount of subsistence grant at such figure as it may think fit, subject to the prescribed maximum it has no authority under clause (*b*) of Fundamental Rule 53 to refuse a subsistence grant altogether in any case which falls under that clause

[Para 16, Chap IV, Sec I of Manual of Audit Instructions (1926)]

1 This revised clause has effect from the 26th July 1932

(4) See item (2) of Government
9 (25) (page 129)

(5) See item (1) of Government of India's Orders under F R 9 (25) (pages 129 130)

(6)

Audit Instructions—

(1) No revision of claims of travelling allowance is permissible in cases where a Government servant is promoted or reverted or is granted an increased rate of pay with retrospective effect in respect of the period intervening between the date of promotion or reversion or grant of increased rate of pay and that on which it is notified, unless it is clear that there has been an actual change of duties

[Para 1, Chap V, Sec I of Manual of Audit Instructions (1926)]

(2) A Central Government servant stationed in one province when transferred to foreign service in another province, on terms which give him travelling allowance on transfer under the ordinary rules, ranks for the purpose of travelling allowance for the complete journey on transfer, as a Government servant of the grade in which he is included in the original province

[Para. 2 A, Chap V, Sec I of Manual of Audit Instructions (1926)]

(3) Hill Allowances fall under ' Compensatory allowances " 'unda

No 427

Page 167, Section III, F R 44—

Insert the following as item (4) of the Audit Instructions below this Rule —

(4) *Authority competent to withdraw or reduce compensatory allowances in the case of Secretary of State s Officers* —The following decisions have been reached by the Secretary of State and his Advisers —

(1) Compensatory allowances are to be regarded as included in remuneration for the purpose of the proviso to Section 247(I) and Section 250(3) of the Government of India Act 1935

(2) These allowances can be withdrawn or reduced on satisfactory proof that the circumstances on which the grant was based have in fact, altered to an extent justifying withdrawal or reduction

(3) Rules regulating these allowances should continue (unless and until the Secretary of State decides to exercise his rule making powers in respect of such allowances under Section 247(1) (*b*) of the Act) to be made by the Governments in India

(4) As regards Secretary of State s Officers, the authorities competent both to decide the question of fact in (2) and to authorise withdrawal or reduction of allowances (other than travelling allowances) are —

(*a*) In the case of officers to whom sub section 3 of Section 258 of the Government of India Act, 1935 applies the Secretary of State

(*b*) In the case of other officers the Governor General exercising his individual judgment as regards officers serving in connection with the affairs of the Federation and the Governor exercising his individual judgment as regards officers serving ...nection with the affairs of a Province

...ns (Reprint) No 42]

(No 427 dated the 1st January 1940)

nission Prin ... npensa of the parties further ... special ...le, as

to a Provincial Police Officer pro *rma facie* a source of profit, fixed in view of local conditions

tion of Aud t Rul ngs]

Au lito General ... tor General has ruled that in accordance with F R ... ent of India (in the case of the Central Government o... first specify rates and cond tions and then permit subordi... thorities to grant com pensatory allowances subject to the max mum rates and to those conditions

[A G P & T s letter No Mis 358/II -33 (*a*) dated 16th May 1927]

(b) In the case of residences owned by Government, the standard rent shall be calculated on the capital cost of the residence, and shall be either—

(i) a percentage of such capital cost equal to such rate of interest as may from time to time be fixed by the Secretary of State in Council *plus* an addition for municipal and other taxes [1][in the nature of house or property tax payable by Government in respect of the residence] and for both ordinary and special maintenance and repairs, such addition being determined under rules which a Local Government may make, or

(ii) 6 per cent. per annum of such capital cost, whichever is less.

(c) In both cases standard rent shall be expressed as standard for a calendar month and shall be equal to one-twelfth of the annual rent as calculated above, subject to the proviso that, in special localities or in respect of special classes of residence, a Local Government may fix a standard rent to cover a period greater than one month but not greater than one year. Where a Local Government takes action under this proviso standard rent so fixed shall not be a larger proportion of the annual rent than the proportion which the period of occupation as prescribed under Rule 45 above bears to one year.

NOTE 1.—For the purposes of sub-clauses (a) and (b) above, the additions for both ordinary and special maintenance and repairs shall not include anything for the establishment and tools and plant charges, except to the extent allowed under proviso (iv) to clause II.

NOTE 2.—A Local Government may by rule permit minor additions and alterations, the cost of which does not exceed a prescribed percentage of the capital cost of the residence, to be made during such period as the rule may determine, without the rent of the residence being increased.

IV. When Government supplies an officer with a residence leased or owned by Government, the following conditions shall be observed:—

(a) The scale of accommodation supplied shall not, except at the officer's own request, exceed that which is appropriate to the status of the occupant.

[2](b) Unless in any case it be otherwise expressly provided in these rules, he shall pay—

(i) rent for the residence, such rent being the standard rent, as defined in clause III above or 10 per cent. of his monthly emoluments, whichever is the less; and

(ii) municipal and other taxes payable by Government in respect of the residence not being in the nature of house, or property tax.

[1][ ] Substituted for the words 'payable by Government' with effect from the 10th November 1931

[2]This revised sub clause has effect from the 10th November 1931

(c) Nothing contained in clause (b) above shall operate to prevent a Local Government from—

(i) grouping, after the standard rents have been calculated under the provisions of clause III above, a number of residences, whether in a particular area or of a particular class or classes, for the purpose of assessment of rent, subject to the following conditions being fulfilled:—

(1) that the basis of assessment is uniform; and

(2) that the amount taken from any officer shall not exceed 10 per cent of his monthly emoluments.

... III, F.R 45 A—Insert the following in its proper p...

In rule 45A of the said rules, to clause IV (c) (ii), the following shall be added namely —

March

"or

plied

(5) who sublets without permission the residence supplied to him"

com-

ppro-

...m, or

(3) who is in receipt of a compensatory allowance

No. 807

Page 171, Section III, F R 45.A—

Substitute the words "recovered from any officer, or" for the words "recovered from any officer" occurring in sub clause (b) of clause V this Rule and *insert* the following sub clause after sub clause (b) —

"(c) may, by general or special order, waive or reduce the amount of municipal and other taxes, not being in the nature of house or property tax, to be recovered from any officer or class of officers"

(These amendments take effect from the 10th November 1931.)

[G I F D Notification No F 14(12) Ex I/38, dated the 25th May 1938.]

Schedule

A.—SERVICES

Indian Civil Service

Indian Police Service

Indian Agricultural Service

Indian Educational Service

Indian Forest Service

Indian Forest Engineering Service

Indian Medical Service (Civil)

Indian Service of Engineers

Indian Veterinary Service

Indian Audit and Accounts Service

Superior Service Officers of the Military Accounts Department

Mint and Assay Departments

Imperial Customs Service

Superior Telegraph Engineering and Wireless Branches of the Indian Posts and Telegraphs Department

Geological Survey of India (Director, Superintendents, Assistant Superintendents and Chemist)

Indian Meteorological Service (Director General of Observatories and Meteorologists)

Department of Mines in India

Archæological Department

Zoological Survey of India

Survey of India Class I

Indian Ecclesiastical Establishment

Political Department of the Government of India

Medical Research Department (excluding Indian Medical Service Officers)

Opium Department (excluding officers who joined the Department after the 2nd April 1907)

Bengal Pilot Service

B.—POSTS

1 Indian Posts and Telegraphs Department—

(i) *In the Postal Department*—

Deputy Director General

Postmasters General

Deputy Postmasters General

Assistant Directors General

Presidency Postmasters (including Postmaster, Rangoon)

(ii) In the Telegraph Traffic Branch—

Deputy Director General

Assistant Director General

First Division of the Superior Traffic Branch

2 Commissioners and Assistant Commissioners of Income-tax

3 Commissioner, Deputy Commissioner and General Managers of the Northern India Salt Revenue Department.

4 Officers of the Cantonment Department if on the Supernumerary list.

[*For rules made by the Governor General in Council, under Fundamental Rule 45A, in his capacity as a Local Government, see Supplementary Rules 318—326*]

Government of India's orders—

(1) The Government General in Council has extended the operation of F R 45 A to all Government servants under his administrative control not already included in the Schedule to F R 45-A

No. 457.

Page 173, Section III, Fundamental Rule 45 A—

Insert the following as item (3) of Government of India's orders *below* this Rule —

"(3) [illegible]

ing the building The tenants of the residential flats will be exempt from payment of any charges for the Electric energy consumed by the lifts"

(These orders take effect from the 18th January 1940)

[G I F D endorsement No F 2 (8) Ex I/40, dated the 31st January 1940]

(No 457, dated the 28th March 1940)

(1) For the purpose of assessing rent the Government of India have decided that the time of construction should be taken as the date on which the accounts of the estimate for the construction of the residence are closed

[G I, F D, No 1061 E B, dated 4th Sep 1922.]

(2) Fundamental Rule 45 (c) (i) [*corresponds to clause II (c) (i) of new F R's 45A and 45B*] does not provide for the exclusion from the calculation of any house in the particular area chosen The idea underlying the paragraph was that higher paid officers might make up for any loss which was incurred by Government as far as the rents of residences of lower paid officers were concerned

[G I, F D, No F 2 C S R /25, dated 7th Jan 1925]

(3) The Government of India have decided that the whole deduction on account of house rent from officers in receipt of sterling over seas pay should be made in India and that sterling overseas pay should be converted into rupees at the following rates for the purpose of calculating house rent if the amount of house rent due has to be determined with reference to pay of the occupier —

In respect of past transactions to end of December 1921—1*s* $5\frac{}{16}$ *d* and

In future—at the current rate of exchange mentioned in Article 343, Account Code

[Ar G s No 108 Admn /K W 621 24, dated 24th Jan 1925]

[NOTE.—The current rate of exchange has been fixed at 1s 6d to the rupee]

~~(4) The Government of India have issued the following orders on ... the recovery of rents for the motor garages provided~~

No 405

Page 174, Section III, F R 45 A—

Delete item (4) of the Government of India's decision below this rule.

[Government of India, Department of Communications (Posts and Telegraphs) letter No N 360/39, dated the 7th August 1939]

Sl. 421

(No 405, dated the 1st September 1939)

~~(ii) In expens... does not necessarily carry with it extra amenities in motor garage and very often a tenant has to m... separate arrangements and pay extra for the use garage the prevailing garage rent should be charge addition to the rent for quarters~~

~~[G I D I & L, No 32 G /P T, dated 31st May 1927]~~

(5) An officer who at his own request, is supplied with a residen... owned or leased by the Central Government, of a class higher th... that for which he is eligible when a house of his class is availab... for him should be charged the full standard rent laid down i... Fundamental Rules 45A or 45B as the case may be and should no... be given the benefit of the 10 per cent concession afforded by clause IV (b) of these rules

[G I F D No F 3 XI R I /28 dated 23rd March 1928]

(6) Under clause V of F R 45A the Governor General in Council has decided that so far as servants under the administrative control of the Governor General in Council or under any Chief Commissioner are concerned the concession of rent free quarters will in future be complete that is no additional charge will normally be made in respect of sanitary water supply and electric installations

[G I F D letter No F-3-VII R I /28 dated 7th June 1928]

(7) The substantive part of the rule [F R 45A II] provides that for the purpose of the assessment of rent the capital cost of a residence shall be either—

(a) the cost of acquiring or constructing the residence and any capital expenditure incurred after acquisition or construction or *when this is not known*

(b) the present value of the residence'

Clause (i) in the proviso obviously does no more than supplement (b) in the substantive part by settling the manner in which the present value is to be determined in cases in which the factors specified in (a) are not known. Clause (iii), which unlike clause (i) is a true proviso, alters the operation of the substantive part of the rule by *empowering the local Government* to substitute for the capital cost determined in accordance with (a) in the substantive part, in a case when the factors specified in (a) *are known*, a new capital cost represented by the present value calculated in accordance with the rules made under proviso (i) for the primary purpose of determining the present value in cases to which (b) in the substantive part is applicable.

[G. I. F. D. letter No. D./556 Ex. II./29, dated 22nd Jan. 1929.]

(8) With a view to simplifying the method of calculation of the standard rent of residential buildings of the Posts and Telegraphs Department first occupied after the 1st April 1929, from which date the new Fundamental Rule 45 A was extended to all officials of the Department, the Governor General in Council is pleased to decide

No. 680.

Page 175, Section III, F. R. 45 A—

Insert the following as item (11) of the Government of India's decision below this Rule :—

"(11) It has been decided by the Government of India that, if quarters belonging to the Railway, Defence, Posts and Telegraphs, or other Central Government Departments are by mutual arrangement occupied by the employees of a Department other than that which owns the building, the owner's share of Municipal taxes (i.e., taxes which are in the nature of the house or property tax) should be included in the rent of the building. Where the occupier's share of Municipal taxes and the cha[illegible] for con[illegible]mption of light, water, etc., are paid to the Municipality by the [illegible] should be recovered by that Dep[illegible] is *occupying it*. Where these charges are recove[illegible] by the *tenant direct* or from the Department under which he is employed, the arrangement will remain unaltered and the question of recovery of such charges by the Department owning the building will not arise. Further when the Department whose employee is occupying the building pays these charges either to the Municipality or to the Department owning the building, the former Department should bear the charges finally or recover them from its employee according as under the rules of that Department he is or is not exempt from payment of such charges."

[Government of India, Finance Department, Endorsements No. F. 11 (28) Ex. I/41, dated the 23rd September 1941 and No. F. 25 (11) Ex. II/43, dated the 22nd April 1943.]

(No. 680, dated the 28th July 1943.)

— the limits of salary as in the case of the officials of the Local Government.

[F. A. P. & T.'s endorsement No. 811 Es. A./32, dated the 7th February 1934.]

(11) see slip 680

Audit Instructions—

(1) The rates of interest given in the following table should be applied in calculating the standard rent of residences, under clause III (*b*) of Fundamental Rules 45A and 45B

Date of acquisition or construction of the residence	Rate of Interest	
	Buildings occupied on or before the 19th June 1922.	Buildings occupied after the 19th June 1922
1	2	3
Before 1st April 1919	3½ per cent	4 per cent
1st April 1919 to 31st July 1921	3½ ,,	5 ,,
1st August 1921 to 31st December 1921	3½ ,,	6 ,,
From 1st January 1922 until further order	6	6 ,,

NOTE—The date of construction referred to in column (1) of this table should be taken as the date on which the accounts of the estimate for the construction of the residence are closed *In respect of expenditure on additions* and alterations to residences the interest should be calculated at the rate applicable on the date on which the accounts of the estimates for the additions or alterations are closed

[Para 5, Chap V Sec I of Manual of Audit Instructions (1926)]

(2) Under clause IV (*c*) (*ii*) of Fundamental Rules 45A and 45B, a local Government may recover rent in excess of 10 per cent of a Government servant's emoluments but not in excess of the standard rent as defined in clause III of the Rules

[Para 6A Chap V Sec I of Manual of Audit Instructions (1926)]

(3) *Convention regarding reimbursement by the Government of India to Provincial Government and* vice versa *of the difference between the standard rent of buildings and rent actually recovered from their officers occupying them*—(i) The Government of India and the Governments of Madras, the United Provinces, the Punjab Burma, the Central Provinces and Assam have mutually agreed that, when an officer of one of these Governments occupies by official arrangement a residence provided by another of these Governments, the latter Government will claim no more than the rent which would be

Provided that—

(i) a Local Government may make rules providing the manner in which the present value of residences, including sites, shall be determined;

(ii) a Local Government may make rules determining what expenditure is to be regarded for the purpose of sub-clause (a) above as expenditure upon the preparation of a site;

(iii) a Local Government may, for reasons which should be recorded, authorise a revaluation of all residences of a specified class or classes within a specified area to be conducted under the rules referred to in proviso (i) above and may revise the capital cost of any or all such residences on the basis of such revaluation;

(iv) the capital cost, howsoever calculated, shall not take into consideration (1) any charges on account of establishment and tools and plant other than such as were actually charged direct to the work in cases in which the residence was constructed by Government, or (2) in other cases, the estimated amount of such charges;

(v) a Local Government may, for reasons which should be recorded, write off a specified portion of the capital cost of a residence—

(1) when a portion of the residence must be set aside, by the Government servant to whom the residence is allotted, for the reception of official and non-official visitors visiting him on business, or

(2) when it is satisfied that the capital cost, as determined under the above rules, would be greatly in excess of the proper value of the accommodation provided;

(vi) in assessing the cost or value of the sanitary, water supply and electric installations and fittings, a Local Government may, by rules, determine what are to be regarded as fittings for this purpose.

III. The standard rent of a residence shall be calculated as follows:—

(a) In the case of leased residences the standard rent shall be the sum paid to the lessor, *plus* an addition determined under rules which a Local Government may make, for meeting, during the period of lease, such charges for both *ordinary and special maintenance and repairs and for* capital expenditure on additions or alterations as may be a charge on Government and for the interest on such capital expenditure, as also for municipal and other taxes [1][in the nature of house or property tax payable by Government in respect of the residence]

[1] [ ] Substituted for the words 'payable by Government' with effect from the 10th November 1931

Audit Instructions—

(1) The rates of interest given in the following table should be applied in calculating the standard rent of residences, under clause III (b) of Fundamental Rules 45A and 45B

Date of acquisition or construction of the residence	Rate of Interest	
	Buildings occupied on or before the 19th June 1922.	Buildings occupied after the 19th June 1922
1	2	3
Before 1st April 1919	3½ per cent	4 per cent
1st April 1919 to 31st July 1921	3½ "	5
1st August 1921 to 31st December 1921	3½ "	6 "
From 1st January 1922 until further orders	6	6 "

Note—The date of construction referred to in column (1) of this table should be taken as the date on which the accounts of the estimate for the construction of the residence are closed In respect of expenditure on additions and alterations to residences the interest should be calculated at the rate applicable on the date on which the accounts of the estimates for the additions or alterations are closed

[Para 5 Chap V Sec I of Manual of Audit Instructions (1926)]

(2) Under clause IV (c) (ii) of Fundamental Rules 45A and 45B, a local Government may recover rent in excess of 10 per cent of a ... excess of the standard

No. 207.

Pages 176 77, Section III, F R 45 A —

(i) *Substitute* the words " the Central Provinces, Assam, Sind and North West Frontier Province " *for* the words " the Central Provinces and Assam " occurring in line 3 of sub paragraph (i) of item (3) of the Audit Instructions below this Rule

... engal, Bihar and Orissa " *for* the words ... occurring in the first line of sub para ... Audit Instructions below this Rule

[Manual of Audit Instructions (1926) No 317 dated the 1st June 1937]
(No 207, dated the 20th June 1937)

recoverable from the officer if he were serving under its administrative control In other words, neither Government will be called upon to make good to the other the difference between the standard rent and the rent actually recovered

(ii) The Governments of Bombay, Bengal, Bihar and Orissa having finally expressed their inability to accept a corresponding convention, the position in the case of these Governments as between themselves as well as between them and the Governments mentioned in clause (i) above, will be that the Government providing the residence will claim from the officer the rent which would be recoverable from him if he were serving under its administrative control, and will be paid by the Government under whose administrative control he is serving the difference if any between the rent recovered from him and the standard rent calculated for the residence under the rules of the providing Government

[Para 6, Chap V, Sec I of Manual of Audit Instructions (1926)]

(4) In exercise of the powers granted to him by Fundamental Rule 8, the Governor General in Council has ruled that it is permissible to deal under clause V (b) of Fundamental Rule 45A or 45B, not only with individuals but also with classes of Government servants

[Para 6D Chap V, Sec I of Manual of Audit Instructions (1926)]

(5) 1 With effect from the 1st April 1932, *non military Government servants paid from Central (Civil) Revenues when occupying military buildings*, the property of the Army Department, will pay the assessed rent under paragraph 48 (p) of the Regulations for the Military Engineer Services (1929 edition) subject to a maximum of ten *per cent* of their emoluments as defined in F R 45 C

2 The Military Engineer Services will forego any difference between the actual assessed rent of the building and the rent recovered from the occupier

3 No recovery will however, be made by the Army Department from the Central (Civil) Revenues on account of accommodation provided under official arrangements to an individual entitled to free quarters under Civil rules

[Para 6 G, Chap V, Section I of Manual of Audit Instructions (1926)]

(6) 1 With effect from the 1st April 1932, *Civil and Military Government servants paid from military estimates* (including officers serving with the Army and Royal Air Force Head Quarters in Simla and Delhi whose emoluments include Lodging Allowance as a separate item) *when occupying buildings, the property of the Central (Civil) Government*, will pay the standard rent, subject to a maximum of ten *per cent* of their salary, on the same terms as apply, under F R 45 A, to Government servants paid from the Central (Civil) Estimates

2 In the case of single military officers allotted accommodation in a Civil building under official arrangements who are liable to pay five *per cent* of their salary as rent when occupying unmarried accommodation under Regulations for the Military Engineer Services, the difference between the rent paid to the Civil authorities and five *per cent.* of salary will be claimed by the individual concerned from, and will be paid by, the agency responsible for housing the officer concerned Such claim will be supported by a certificate given by the officer that he was occupying single accommodation only.

3 The 'salary' referred to in the preceding paragraphs will be —

(*a*) the 'salary' as defined in the Note to paragraph 49, Regulations for the Military Engineer Services, in the case of Military Officers,

(*b*) the 'salary' as defined in paragraph 52(*a*), Regulations for the Military Engineer Services, in the case of military subordinates etc ,

(*c*) the emoluments as defined in F R 45 C, in the case of all Civilians in Military employ

4 The Civil estimates will forego any difference between the actual standard rent of the building and the rent recovered from the occupier

5 No recovery will, however, be made by the Public Works Department from the Military estimates on account of rent of accommodation provided under official arrangements to individuals entitled to free quarters under Military rules

[Para 6 H, Chap V Sec I of Manual of Audit Instructions (1926)]

[1]F R 45B I This rule applies to Government servants other than those to whom Rule 45A applies or is made applicable under the provisions of clause VII of that rule, or than those occupying residences belonging to a State Railway, or rented at the cost of railway revenues

II For the purposes of sub clause (b) of clause III, the capital cost of a residence owned by Government shall not include the cost or value of such special services and installations (including furniture, tennis courts and sanitary, water supply or electric installations and fittings) as it may contain, and shall be either—

(a) the cost of acquiring or constructing the residence, including the cost of site and its preparation and any capital expenditure incurred after acquisition or construction; or, when this is not known,

(b) the present value of the residence including the value of site

NOTE —The cost of restoration or special repairs shall not be added to capital cost or present value, unless such restoration or repairs add to accommodation or involve replacement of the existing type of work by work of a more expensive character

[1] This new rule has effect from the 3rd August 1927

Provided that—

(i) a Local Government may make rules providing the manner in which the present value of residences, including sites, shall be determined;

(ii) a Local Government may make rules determining what expenditure is to be regarded for the purpose of sub-clause (a) above as expenditure upon the preparation of a site;

(iii) a Local Government may, for reasons which should be recorded, authorise a revaluation of all residences of a specified class or classes within a specified area to be conducted under the rules referred to in proviso (i) above and may revise the capital cost of any or all such residences on the basis of such revaluation;

(iv) the capital cost, howsoever calculated, shall not take into consideration (1) any charges on account of establishment and tools and plant other than such as were actually charged direct to the work in cases in which the residence was constructed by Government, or (2) in other cases, the estimated amount of such charges;

(v) a Local Government may, for reasons which should be recorded, write off a specified portion of the capital cost of a residence—

(1) when a portion of the residence must be set aside, by the Government servant to whom the residence is allotted, for the reception of official and non-official visitors visiting him on business, or

(2) when it is satisfied that the capital cost, as determined under the above rules, would be greatly in excess of the proper value of the accommodation provided;

(vi) in assessing the cost or value of the sanitary, water supply and electric installations and fittings, a Local Government may, by rules, determine what are to be regarded as fittings for this purpose

III. The standard rent of a residence shall be calculated as follows:—

(a) In the case of leased residences the standard rent shall be the sum paid to the lessor, *plus* an addition determined under rules which a Local Government may make, for meeting, during the period of lease, such charges for both ordinary and special maintenance and repairs and for capital expenditure on additions or alterations as may be a charge on Government and for the interest on such capital expenditure, as also for municipal and other taxes [1][in the nature of house or property tax payable by Government in respect of the residence].

[1] [ ] Substituted for the words 'payable by Government' with effect from the 10th November 1931

Page 178, Section III, F. R. 45-A—

Insert the following as item (7) of the Audit Instructions below this rule :—

(7) The following procedure should be observed regarding recovery of rent for residential accommodation from officers of the Central Government Departments and Provincial Governments for whom residential accommodation is provided by Railway Administrations and also regarding the recovery of rent from railway officers occupying residential accommodation belonging to Central Government Departments and Provincial Governments —

(a) *Railway quarters specifically constructed for Defence, Police and Posts and Telegraphs Departments*

The provisions of Railway Department (Railway Board) Circular letter No. 932 W., dated the 10th October 1936, will apply in these cases.

(b) *State Railway quarters occupied by officers of the Defence, Posts and Telegraphs and other Central Departments by mutual arrangement*

These will be governed by the Civil rules, i e , F. R 45-A, subject to the condition that the occupant will be exempted from the payment of rent if he is entitled to such exemption under the rules of his department

(c) *State Railway quarters occupied by Civil servants of Madras, United Provinces, Punjab, Central Provinces, Sind, North-West Frontier Province and Assam Governments by mutual arrangement*

The rent will be limited to 6 per cent. on the capital cost, excluding cost of land, subject to 10 per cent of pay

(d) *State Railway quarters occupied by Civil servants of Bombay, Bengal, Bihar and Orissa Governments and Baluchistan and Ajmer-Merwara Administrations*

The provisions of Railway Department (Railway Board) circular letter No. 932-W., dated the 10th October 1936, will apply in these cases.

(e) *Defence and Posts and Telegraphs Department quarters specifically constructed for railway employees*

In such cases the standard rent according to the rules of those department should be paid.

(f) *Defence, Posts and Telegraphs and other Central Departments' quarters occupied by railway employees by mutual arrangement*

In these cases Civil rules will apply, i e , F R 45 A, and the railway employee will be exempted from payment of rent, if he is entitled to such exemption under the railway rules

(g) *Quarters belonging to Madras, United Provinces, Punjab, Central Provinces, Sind, North West Frontier Province and Assam Governments occupied by railway employees by mutual arrangement*

In these cases Civil rules will apply, i e , 6 per cent on capital cost excluding the cost of land subject to 10 per cent of pay

(h) *Quarters belonging to Bombay, Bengal, Bihar and Orissa Governments and Baluchistan and Ajmer Merwara Administrations occupied by railway servants*

In these cases full assessed rent will be paid.

[Letters from the Railway Department (Railway Board) Nos 5464 F , dated the 6th June 1936, and 5464 F , dated the 23rd June 1937 (File No 70 Admn II/37)]

(Manual of Audit Instructions (1926), No 330, dated the 1st February 1938)

[No 276, dated the 1st March 1938]

Provided that—

(i) a Local Government may make rules providing the manner in which the present value of residences, including sites, shall be determined;

(ii) a Local Government may make rules determining what expenditure is to be regarded for the purpose of sub-clause (a) above as expenditure upon the preparation of a site;

(iii) a Local Government may, for reasons which should be recorded, authorise a revaluation of all residences of a specified class or classes within a specified area to be conducted under the rules referred to in proviso (i) above and may revise the capital cost of any or all such residences on the basis of such revaluation;

(iv) the capital cost, howsoever calculated, shall not take into consideration (1) any charges on account of establishment and tools and plant other than such as were actually charged direct to the work in cases in which the residence was constructed by Government, or (2) in other cases, the estimated amount of such charges;

(v) a Local Government may, for reasons which should be recorded, write off a specified portion of the capital cost of a residence—

(1) when a portion of the residence must be set aside, by the Government servant to whom the residence is allotted, for the reception of official and non-official visitors visiting him on business, or

(2) when it is satisfied that the capital cost, as determined under the above rules, would be greatly in excess of the proper value of the accommodation provided;

(vi) in assessing the cost or value of the sanitary, water supply and electric installations and fittings, a Local Government may, by rules, determine what are to be regarded as fittings for this purpose.

III. The standard rent of a residence shall be calculated as follows:—

(a) In the case of leased residences the standard rent shall be the sum paid to the lessor, *plus* an addition determined under rules which a Local Government may make, for meeting, during the period of lease, such charges for both ordinary and special maintenance and repairs and for capital expenditure on additions or alterations as may be a charge on Government and for the interest on such capital expenditure, as also for municipal and other taxes [1][*in the nature of house or property tax payable by Government in respect of the residence*]

[1][ ] Substituted for the words 'payable by Government' with effect from the 10th November 1931

(b) In the case of residences owned by Government, the standard rent shall be calculated on the capital cost of the residence, and shall be a percentage of such capital cost equal to such rate of interest as may from time to time be fixed by the Secretary of State in Council, *plus* an addition for municipal and other taxes [1][in the nature of house or property tax payable by Government in respect of the residence] and for both ordinary and special maintenance and repairs, such addition being determined under rules which a Local Government may make.

(c) In both cases standard rent shall be expressed as standard for a calendar month and shall be equal to one-twelfth of the annual rent as calculated above, subject to the proviso that, in special localities or in respect of special classes of residence, a Local Government may fix a standard rent to cover a period greater than one month, but not greater than one year Where a Local Government takes action under this proviso standard rent so fixed shall not be a larger proportion of the annual rent than the proportion which the period of occupation as prescribed under Rule 45 above bears to one year.

NOTE 1.—For the purpose of sub-clauses (a) and (b) above, the additions for both ordinary and special maintenance and repairs shall not include anything for the establishment and tools and plant charges, except to the extent allowed under proviso (iv) to clause II.

NOTE 2.—A Local Government may by rule permit minor additions and alterations, the cost of which does not exceed a prescribed percentage of the capital cost of the residence, to be made during such period as the rule may determine, without the rent of the residence being increased

IV. When Government supplies a Government servant with a residence leased or owned by Government, the following conditions shall be observed:—

(a) The scale ... ment at the

No. 300.

... III, F R 45 B—

... the following as Government of India's decision below clause IV ... of this rule —

"*Government of India's decision* —See Government of India's decision below clause IV(*b*) (ii) of Fundamental Rule 45 A in Section II as inserted by correction slip No 297 dated the 27th May 1938 "

[G I, F D letter No F 8(5) Ex I/38, dated the 5th April 1938]

(No 300, dated the 27th May 1938)

house or property tax.

G I's decision

1 [ ] Substituted for the words 'payable by Government' with effect from the 10th November 1931

2 This revised sub-clause has effect from the 10th November 1931

(c) Nothing contained in clause (b) above shall operate to prevent a Local Government from—

(i) grouping, after the standard rents have been calculated under the provisions of clause III above, a number of residences, whether in a particular area, or of a particular class or classes for the purpose of assessment of rent, subject to the following conditions being fulfilled:—

(1) that the basis of assessment is uniform, and

(2) that the amount taken from any Government servant shall not exceed 10 per cent. of his emoluments;

(ii) taking a rent in excess of 10 per cent of his emoluments from a Government servant—

(1) who is not under its own administrative control, or

(2) who is not required or permitted to reside on duty at the station at which the residence is supplied to him, or

(3) who, at his own request, is supplied with accommodation which exceeds that which is appropriate to the status of the post held by him, or

(4) who is in receipt of a compensatory allowance granted on account of dearness of living.

No. 308

Page 181, Section III, F R 45-B—

Substitute the words "recovered from any Government servant for the words "recovered from any Government servant" occu in sub clause (*b*) of clause V of this Rule and *insert* the following clause after sub clause (*b*) —

"(c) may, by general or special order, waive or reduce the am of municipal and other taxes, not being in the nature of house or pro tax, to be recovered from any Government servant or class of Gov ment servants."

(These amendments take effect from the 10th November 1931)

[G I, F D Notification No F 14(12) Ex I/38, dated the 25th May 193

(No 308, dated the 1st July 19

corded

VII N (No 566, dated the 28th Jun

payment of ... occupation of residen...

ment, by those servants of the Crown in India who have been exempted from such payment by order of the Secretary of State in Council, or to affect the amount of rent or charges payable by those servants of the Crown in India, in whose case the amount so payable is prescribed by the Secretary of State in Council

[*For rules made by the Governor General in Council, under Fundamental Rule 45B, in his capacity as a Local Government, see Supplementary Rules 327 to 335*]

Government of India's orders.—See entries under F R 45 A

Government of India's decisions—

(1) See entries under F R 45 A

(2) The Government of India have decided that the rent to be charged to private persons for the occupation of residences owned by the Central Government, should be assessed in accordance with the new Rule 45B of the Fundamental Rules, and recovered monthly in advance, and that none of the rent concessions, afforded by this rule to Government servants, should be extended to such persons

[G I, F D, No F 375 C S R /27, dated 5th Oct 1927]

Audit Instructions.—See entries under F R 45A

F. R. 45C For the purpose of Rules 45A and 45B, "emoluments" means·—

(i) Pay,

[1](ii) Payments from general revenues and fees, if such payments or fees are received in the shape of a fixed addition to monthly pay and allowances as part of the authorised remuneration of a post;

slip 444 (iii) Compensatory allowances, other than travelling allowance, whether drawn from general revenues or from a local fund;

(iv) Exchange Compensation Allowance;

(v) Pension, other than a pension drawn under the provi Chapter XXXVIII, Civil Service Regulations, or c sation received under the Workmen's Compensati 1923, as subsequently amended;

[2](vi) In the case of a Government servant under suspens in receipt of a subsistence grant, the amount of t sistence grant, provided that if such Government is subsequently allowed to draw pay for the p suspension the difference between the rent reco the basis of the subsistence grant and the rent du basis of the emoluments ultimately drawn shall covered from him.

It does not include allowances attached to the Victoria Cross, the Military Cross, [3][the King's Police Medal, the Indian Police Medal,] the Order of British India or the Indian Order of Merit.

NOTE 1.—The emoluments of a Government servant paid at piece work rates shall be determined in such manner as the Local Government may prescribe.

NOTE 2.—The emoluments of an officer on leave mean the emoluments drawn by him for the last complete calendar month of duty performed by him prior to his departure on leave.

1 The amended clause has effect from the 14th January 1930
2 This new clause has effect from the 20th December 1933
3 [ ] Inserted with effect from the 5th April 1932

Government of India's decision—In exercise of the powers conferred on him by Fundamental Rule 8, the Governor General in Council has decided that the word 'pension' occurring in Fundamental Rule 45C (v) should be taken to mean the full sanctioned pension prior to commutation

[G I, F D, No 1 3 (28) R I/30, dated 3rd November 1903]

F. R. 46 [1](a) ***Fees.***—**Subject to rules made by the Governor General in Council under Rule 46A, a local Government may permit a Government servant, if it be satisfied that this can be done without detriment to his official duties or responsibilities, to perform a specified service or series of services for a private person or body or for a public body including a body administering a local fund or for an Indian State, and to receive as remuneration therefor, if the service be material, a non-recurring or recurring fee.**

NOTE.—This clause does not apply to the acceptance of fees by medical officers in civil employ for professional attendance which is regulated by the orders of the Secretary of State in Council.

[1](b) ***Honoraria***—**A local Government may grant or permit a Government servant to receive an honorarium from general revenues as remuneration for work performed which is occasional in character and either so laborious or of such special merit as to justify a special reward Except when special reasons, which should be recorded in writing, exist for a departure from this provision, sanction to the grant or acceptance of an honorarium should not be given unless the work has been undertaken with the prior consent of the local Government and its amount has been settled in advance.**

[2](c) ***Fees and Honoraria***—**In the case of both fees and honoraria the sanctioning authority shall record in writing that due regard has been paid to the general principle enunciated in Fundamental Rule 11, and shall record also the reasons which in his opinion justify the grant of the extra remuneration**

Government of India's orders—

(1) Several instances have come to the notice of the Finance Department in which recommendations have been made by various Departments for the grant of honoraria to members of their office staff on account of a temporary increase in their work due to the holding of special Conferences under the auspices of a Department or Subordinate authority or of inter Departmental Committees In the opinion of the Finance Department such temporary increases in work are normal incidents of Government service, and form part of the legitimate duties of Government servants according to the general principle enunciated in F R 11 Those so employed have therefore, no claim to extra remuneration

[G I, F D, Memo No F-5 VIII R I/30, dated 3rd September 1930.]

[1] This revised clause has effect from the 9th December 1930

[2] This clause has effect from the 23rd April 1929

(2) The words 'subject to rules made by the Governor General in Council under Rule 46 A' occurring in F R 46 are not intended to mean that rules must be framed under F R 46 A before the power given to a Local Government by the substantive part of F R 46 could be exercised

If a Local Government have framed no rules prescribing the conditions under which fees for services other than professional attendance may be received by a medical officer other than a member of the Indian Medical Service, they are competent to sanction acceptance of these fees subject to the requirement mentioned in clause (c) of F R 46

[G I, Dept of E H & L, No 242 H, dated 5th February 1932, received with G I, F D, No F 5 R-I/32 dated 15th February 1932]

Audit Instruction —The rule requires that the reasons for the grant should be recorded in writing, as it is intended that the grant of an honorarium or fee should be carefully controlled by Government and scrutinised by Audit, and that Audit should be given an effective opportunity of comment if it be deemed necessary Audit Officers may, therefore, require that the reasons for the grant of an honorarium or fee should be communicated to them in each case

[Para 7, Chap V, Sec I of Manual of Audit Instructions (1926)]

Audit Ruling —The grant of an honorarium to the heirs of a deceased Government servant for work done by him is unobjectionable in audit

[Ruling (22) Sec IV of Compilation of Audit Rulings]

su slip 620.

[1]F R. 46-A. The Governor General in Council may make prescribing the conditions and limits subject to which a fee ma received by a medical officer in civil employ for services other t professional attendance.

[2]F. R. 47. Subject to the provisions of the rules made by Governor General in Council under rule 46-A, a local Governme may make rules prescribing the conditions and limits subject to whi authorities subordinate to it may sanction the grant or acceptance honoraria, and the acceptance of fees, other than the acceptance o fees by medical officers in civil employ for professional attendance.

[*For rules made by the Governor General in Council under Fundamental Rule 17, in his capacity as a Local Government, see Supplementary Rules 9-16*]

Audit Ruling —Specific provisions of certain Acts requiring Government of India sanction for honoraria for patents to persons in Government employ override F R 47

[Ruling (26), Sec IV of Compilation of Audit Rulings]

1 This revised rule has effect from the 9th December 1930
2 This revised rule has effect from the 4th June 1929

[1]F. R. 48. Any Government servant is eligible to receive without special permission—

(a) the premium awarded for an essay or plan in public competition;

... arrest of a criminal, or for in-

No. 280.

Page 185, Section III, F R 48—

(i) *Substitute* the following for clause (*c*) of this Rule —

"(c) any reward payable in accordance with the provisions of any Act or Regulation or rules framed thereunder";

(ii) *Substitute* the words "excise laws, and" for the words "excise laws" occurring at the end of clause (*d*) of this Rule

(iii) *After* clause (*d*) of this Rule *insert* the following new clause —

(e) any fees payable to a Government servant for duties which he is required to perform in his official capacity under any special or local law or by order of Government."

(These amendments take effect from the 24th January 1938)

[G I, F D Notification No F. I(20) Ex II/37, dated the 24th February 1938]

(No 280, dated the 28th March 1938)

... has effect from the 23rd April 1929
... effect from the 27th June 1933 and has been made with
... the Secretary of State in Council

Chapter VI.—Combinatio[n]

No. 239.

Page 187, Section III, F R 49—

Insert the following as "Government of India's decision No 1" below this rule —

"*Government of India's decision 1* —No extra remuneration is admissible to a Government servant under Fundamental Rule 49 (b) for holding combined charges, if the charges held are in one and the same establishment"

(Finance Officer Posts and Telegraphs' Endorsement No S 200/1, dated 4th September 1937)

[No 239, dated the 28th October 1937]

See Slip 365

F. R. 49. A ... servant ... may fix; a ... allowances are attached ... posts, he draws such compensat[ory] ... allowances as the Local Government m[ay] ... provided that such allowances shall not exceed t[he] total of the compensatory and sumptuary allowanc[es] attached to all the posts.

G/I's decision. 1 —

No. 365

Page 187, Section III, F R 49—

Delete Government of India decision No 1 below this Rule as inserted by Correction Slip No 239, dated the 28th October 1937

[F O C 's endorsement No S 100/11/36, dated the 11th February 1939]

[No 365, dated the 1st April 1939]

(2) Presumptive pay for the purposes of Fundamental Rule 49 (should, according to Fundamental Rule 9 (24), be taken to be wh the Government servant, who is placed in additional charge, will dra as initial pay in the time scale of the additional post under Fund mental Rule 22, were he formally transferred to it In cases, hov ever, in which the maximum pay of the lower post is less than tl pay of the Government servant in his substantive post, the applic tion of Fundamental Rule 22 is not clear, and accordingly the Gove nor General in Council has decided under Fundamental Rule 8 th in such a case the maximum of the pay of the lower post should b taken as the presumptive pay for the purposes of Fundamental Rul 49 (b)

[Para. 2, Chap VI, Sec. I of Manual of Audit Instructions (1926)]

[1] This amended clause has effect from the 13th March 1923.

[2] This revised clause has effect from the 13th April 1926

No. 210.

Page 189, Section III, F. R. 50—

Substitute the following for this Rule —

"F. R. 50.—No deputation of a Government servant out of India shall be sanctioned without the previous approval of the Governor-General in Council".

(G I, F D., Notification No F 9 (4) R I 36, dated 10th June 1937)
(No 210, dated the 29th June 1937)

lows:—

(A) *If* he is deputed for duty in Europe or his deputation elsewhere is declared by the Governor General in Council to be under *quasi*-European conditions and *if* he is sent from India for the purpose of his deputation and does not include any leave within the period of his absence from India, he shall receive —
for the first month of his absence from India the pay which he would have drawn if he had remained on duty in India, for the second month of such absence, 11/12ths of such amount, for the third month of such absence, 5/6ths of such amount, for the fourth month of such absence, ¾ths of such amount, for the fifth to tenth month of such absence, ⅔rds of such amount, and thereafter ½ths of such amount

(B) *If* he is deputed for duty in Europe or his deputation elsewhere is declared by the Governor General in Council to be under *quasi* European conditions, and if he is not sent from India for the purpose of his deputation, or having been so sent, includes a period of leave within the period of his absence from India, he shall receive throughout his deputation ½ths of the pay which he would have

No. 261.

Page 189, Section III, F. R. 51—

Insert the letter "(C)" before the words "If he is deputed for duty elsewhere than in Europe" which begin a separate sub clause after sub-clause (B) of sub rule (1) of this Rule

(No 261 dated the 23rd December 1937)

(i) *Substitute* the following for the words "deputed for duty out of India" occurring in sub rule (1) of this Rule.—

"temporarily deputed for duty out of India either in connection with the post held by him in India or in connection with any special duty on which he may temporarily be placed",

(ii) *Substitute* the following for the words "The Governor General in Council may in any case allow a Government servant having his domicile in India to draw" occurring in proviso (*b*) to this Rule —

"A Government servant having his domicile in India may in any case be allowed by the Governor-General in Council to draw".

[G I, F. D, Notification No F 9 (4) R I /36, dated the 10th June 1937]
(No 211, dated the 29th June 1937)

No. 210.

Page 189, Section III, F. R. 50—

Substitute the following for this Rule —

" F. R. 50.—No deputation of a Government servant out of India shall be sanctioned without the previous approval of the Governor-General in Council ".

[G I, F D., Notification No F 9 (4) R I 36 dated 10th June 1937]
(No 210 dated the 29th June 1937)

lows:—

(A) *If* he is deputed for duty in Europe or his deputation elsewhere is declared by the Governor General in Council to be under *quasi*-European conditions and *if* he is sent from India for the purpose of his deputation and does not include any leave within the period of his absence from India, he shall receive—
for the first month of his absence from India the pay which he would have drawn if he had remained on duty in India, for the second month of such absence, 11/12ths of such amount, for the third month of such absence, 5/6ths of such amount, for the fourth month of such absence, ¾ths of such amount, for the fifth to tenth month of such absence, ⅔rds of such amount, and thereafter ¾ths of such amount

(B) *If* he is deputed for duty in Europe or his deputation elsewhere is declared by the Governor General in Council to be under *quasi* European conditions, and if he is not sent from India for the purpose of his deputation, or having been so sent, includes a period of leave within the period of his absence from India, he shall receive throughout his deputation ¾ths of the pay which he would have

No. 261.

Page 189, Section III, F R 51—

Insert the letter " (C) " before the words " If he is deputed for duty elsewhere than in Europe " which begin a separate sub clause after sub-clause (B) of sub-rule (1) of this Rule

(No 261 dated the 23rd December 1937)

(i) *Substitute* the following for the words " deputed for duty out of India " occurring in sub rule (1) of this Rule —

" temporarily deputed for duty out of India either in connection wi the post held by him in India or in connection with any special duty c which he may temporarily be placed ",

(ii) *Substitute* the following for the words " The Governor Gener in *Council may in any case allow a Government servant having* h domicile in India to draw " occurring in proviso (*b*) to this Rule —

" A Government servant having his domicile in India may in ar case be allowed by the Governor-General in Council t draw ".

[G I, F D, Notification No F 9 (4) R I/36 ... 10th June 1937]
(No 211, ... 29th June 1937)

(2) In addition to the pay admissible under clause (1) of this Rule a Government servant on deputation may be granted a compensatory allowance of such amount as the Secretary of State in Council may think fit in respect of deputation to Europe or America or as the Governor General in Council may think fit in respect of deputation elsewhere.

(3) With effect from the 13th July 1922 the sterling equivalent of the pay admissible under clause (1) of this Rule shall be calculated at such rate of exchange as the Secretary of State in Council may by order prescribe.

Secretary of State's Rules—The rules framed by the Secretary of State in Council governing the grant of travelling and other allowances to civil officers serving under the Secretary of State, the Government of India, or the High Commissioner for India when on duty in Europe or America are reproduced in Appendix No 7

Secretary of State's orders—

(1) The Secretary of State in Council has directed that the following rule contained in Article 85 Civil Service Regulations, shall remain in force —

The Government of India may sanction the deputation of an officer of Government, whether paid from general revenues or a local fund or in Foreign service, on duty outside India otherwise than in Europe or America for not more than 12 months at the cost of Indian revenues

[G I, F D Res No 633 C S R dated 22nd June 1922]

(2) The Secretary of State in Council has directed that the following rules shall regulate the deputation out of India of subordinate police officers—

The Government of India, or, in cases in which the cost is met from Provincial Revenues a local Government may depute a subordinate police officer to any country outside India, to accompany or take charge of criminals or lunatics, or on any other business, which is part of his duty as a police officer and may grant to the officer so deputed—

(a) full pay, for the entire period of absence from India, with

(b) actual travelling expenses, and a subsistence allowance not exceeding the following scale while in any country outside India

	s	d
For an Officer of the Inspector class	22	0 a day
For an Officer of the Sergeant class	15	0 a day
For an Officer of the Constable class	15	0 a day.

The local Government may delegate their powers under this rule to officers of a rank not lower than Deputy Inspectors General of Police, or Commissioner of Police in Calcutta.

[G I, F D, Res. No 1221 C S R, dated 16th Nov 1922]

(3) The orders of the Secretary of State in Council regarding the eligibility of officers placed on deputation outside India for a return passage to India on the expiry of their deputation are contained in the extract of his Despatch No P 911—23, dated the 8th March 1923, reproduced below.—

* * * * * *

"I am therefore to ask that if the Government of India see no objection, it may be made clear to local Governments and to officers proceeding on deputation from time to time that the grant of a return passage to India on conclusion of a deputation is conditional on an officer's return to duty forthwith on the conclusion of the deputation, unless an arrangement to the contrary effect should be specially permitted at the time the deputation closes or is about to close, and the proposed leave is begun"

[G I F D, No 593 C S R, dated 25th April 1923]

(4) The Secretary of State in Council has directed that officers on leave, who are unwilling to undertake special duty on deputation rates of pay, may be allowed to continue to consume leave and receive an honorarium fixed at one sixth of Indian pay

[G I, F D, No 994 C S R, dated 9th May 1924]

(5) (a) The Secretary of State in Council has decided that officers on deputation out of India, whether sent on deputation from India or placed on deputation while on leave in this country, may if average pay leave would otherwise be admissible convert deputation into leave on average pay *plus* an honorarium of 1/6th of Indian pay, on the condition that in both cases the cost of passages both from and to India is borne by the officer The Secretary of State agrees that the High Commissioner may be authorised to act on this decision

Periods of deputation converted into leave should count for pension as leave and not as deputation

[India Office No F 4012 25, dated 14th Sept 1925, received with G I, F D, No F 120 C S R 25, dated 4th Nov 1925 and 19th Nov 1925]

(b) The terms of F R 50 must be interpreted as applying to cases where officers exercise the option of consuming leave and drawing an honorarium of one sixth pay during a period of duty out of India, i e, this option can only be exercised by a Government servant whose deputation out of India has been approved by the proper authority

[G I, F D, No F/101 C S R/26, dated 30th July 1926]

(c) Officers serving under the Civil Service Regulations are eligible for the privilege of consuming leave during deputation, should they so desire, and of receiving an honorarium of one sixth of their pay In their case leave on full pay would take the place of leave on average pay

[G I F D Endorsement No F 139 C S R /27, dated 28th April 1927]

(d) The option of consuming leave on average pay during a period of deputation and of drawing an honorarium of one sixth Indian pay shall be limited to cases in which officers are placed on deputation while already on leave out of India on average pay

[G I F D No F 4 R I /29, dated 22nd Jan 1929]

(6) The Secretary of State in Council has decided that where rule made by the Secretary of State in Council refers to a rate of exchange which the Secretary of State in Council may by order prescribe that rate shall until further orders be 1s 6d

[G I F D Resolution No F 35 R I /28 dated 25th Feb 1928]

(7) The Secretary of State has decided that in the cases of officers belonging to services the control of which was not delegated to Local Governments by the Delegation Rules of 1926 who, while on leave in the United Kingdom attend conferences or Congresses there or on the Continent whether as official representatives of the Government of India or of a Local Government or as unofficial visitors the following uniform system should be adopted —

(i) Officers who are nominated as official representatives of the Government of India or of a Local Government will be placed on deputation for the period involved and will receive the usual travelling expenses and subsistence allowance

(ii) Officers who are not so nominated will not be placed on deputation but if it is thought desirable that they should attend as visitors, they may be offered travelling expenses and subsistence allowance as an inducement for them to do so Further though the officer may not be an official representative the India Office will be prepared to render him such service as recommending him as a visitor, to the Congress Authorities

[India Office S of S s Despatch No 5 Overseas dated 20th December 1928, received with G I F D Endorsement No F 4 II R I /29 dated 9th February 1929]

(8) In connection with the deputation pay of officers on short term contracts when called upon to undertake duty outside India it has been decided to include in the model [illegible] by the office of the High Commissioner for I[illegible] under the Government of India a [illegible] deputation out of India shall be gover[illegible]

[G I F D, letter No F 4 (28) R I /31 dated the 14th July 1932.]

Government of India's decisions—

(1) The term "pay", in the expression, "the pay which he would have drawn if he had remained on duty in India" occurring in this rule, should be interpreted literally with reference to the definition in F. R. 9(21) and the pay which an officer would have drawn if he were on duty in India should be determined for the purpose of this rule, with reference to what the competent authorities in India state the officer's pay would have been if he were on duty in India. It will, therefore, be necessary for Accounts Officers to intimate to the High Commissioner in each case after consultation with Government, the pay which an officer would have drawn if on duty in India.

In the case of Government servants who are not deputed out of India for special items of work but are placed on continuous service with commissions and committees whose functions require work both in and out of India the expression "the pay which he would have drawn if he had remained on duty in India" occurring in this rule as well as the expression, "the pay which the Government servant would have drawn if on duty in India" occurring in proviso (a) to F. R. 9(2) should be interpreted as having reference to the pay which they would have drawn in India had they continued on duty with the commission or committee there.

[G. I., F. D., No. F. 47-R. I./28, dated 29th May 1928 and No. F. 4—(II) R. I./30, dated 27th July 1931.]

(2) *See* item (1) of Government of India's orders under F. R. 81.

(3) As overseas pay is included in 'pay' and as an officer would draw overseas pay under Fundamental Rule 51(1) (if entitled to it) had he remained on duty ~~in India, it should be taken into account for the~~

No. 212.

Page 193, Section III, F. R. 51-A.—

Insert the following rule after Rule 51 :—

F. R. [illegible]

[illegible]

in Council.

[G. I., F. D., Notification No. F. 9 (4) R. I./36, dated the 10th June 1937.]
[No. 212, dated the 20th June 1937.]

No. 115.

Page 195, Section III, Chapter VIII—

(1) *Insert* the word "removal" *after* the word "dismissal" in the

In rule 53 of the said rules.-
(1) Clauses (b) and (c) shall be omitted;
(2) The following new clause shall be inserted
(b) In the case of a Govt. servant other th
mentioned in sub-clause (a), for the first year
subsistence allowance at one half the average
earned by him during the twelve complete months
preceding the month in which he was suspended
period subsequent thereto, at 3/8ths of such a
pay.
Provided that the Govt. servant under sus
granted in addition any compensatory allowance
allowance, house rent allowance etc.) of which
on the date of suspension, to such extent and
conditions as the suspending authority may di
Provided further that the subsistence all
under this clause shall be subject to the maxi
sub-rule (2) of rule 89 in respect of leave sa
average pay.
The amendment will take effect from the 1
This amendment will also apply to officer
suspension on that date but no arrears of such
allowances will be admissible.

No. 116.

Page 195, Section III, F. R. 53 (as substituted by correction slip No. 65, dated the 18th March 1936)—

as the Governor General in Council may sanction by general or special order for issue under this proviso."

(This amendment takes effect from the 20th July 1943.)

[G. I., F. D., Notification No. F. 2 (40)-W/43, dated the 21st October 1943.]
(No. 718, dated the 28th November 1943.)

authority to convert a period spent under suspension ...

[G. I., F. D., letter No. F/47 C. S. R./27, dated 14th Feb 1927, to the Chief Secretary to the Government of Madras, Judicial Department.]

(2) A Government servant was dismissed from service on 8th March 1927 and, on appeal was re instated with effect from 27th October 1927 The appellate authority declared under F R 54, that the period of unemployment between the dates of dismissal and re instatement should be treated as spent on duty and allowed to count for leave and increments As there was no post against which the lien of the Government servant could be shown for the period of dismissal the question arose whether in the absence of lien on a permanent post the period of unemployment could count for leave or increments It was decided that F R 54 is absolute and unconditional and that it could not be absolute if the condition of lien had first to be satisfied

No. 61.

Page 196, Section III, F. R 55—

Insert the following as " Director General's Instructions " under this rule —

" *Director General's Instructions* —A suspension vacancy should be treated as filled by a reservist, if one is available at the time a Government servant belonging to an establishment containing a leave reserve is placed under suspension If no reservist is available at the time, an outsider may be appointed but replaced by a reservist as soon as one is available "

[D. G , P. & T 's letter No 1647 S B /29, dated 4th January 1930]

[No 61, dated the 18th March 1930]

No. 91.

Page 197, Section III, F. R 56—

Substitute the following *for* Clause (a) of this Rule :— 91

"(a) Except as otherwise provided in the other Clauses of this Rule the date of Compulsory retirement of a Government servant, other than a ministerial servant, is the date on which he attains the age of 55 years. He may be retained in service after the date of compulsory retirement with the sanction of the Local Gov... 5/316

No. 316.

Page 197 Section III F R 56—

(1) *Number* clause (b) of this Rule as sub clause (i) of clause (b) and in that sub clause as so numbered *insert* the following *after* the words "A ministerial servant" —

"who is not governed by sub clause (ii)".

(2) *Insert* the following sub clause *after* sub clause (b)(i) as so numbered —

"(ii) A ministerial servant—

(1) who enters Government service on or after the 1st April 1938, or

(2) who being in Government service on the 31st March 1938 did not hold a lien or a suspended lien on a permanent post on that date,

shall ordinarily be required to retire at the age of 55 years He must not be retained after that age except on public grounds which must be recorded, in writing, and with the sanction of the Local Government and he must not be retained after the age of 60 years except in very special circumstances

[G I, F D Notification No F 6(24) R II/38, dated the 19th July 1938]

(No 316, dated the 28th July 1938)

Page 197, Section III, F. R. 56—

Substitute the words "the Superior Telegraph Engineering and Wireless Branches of the Indian Posts and Telegraphs Department" *for* the words "the Superior Establishment of the Telegraph Department" occurring in sub clause (iv) (1) (b) of clause (c) of this Rule and *delete* the Note thereunder

[This amendment has been made by the Governor General in Council under rules 33 (2) and 37 of the C S (C C A) Rules.]

[G I, F. D, Notfn No F. 10(2) R I/36, dated 13th February 1936]

[No 76, dated the 18th March 1936]

and the former class may be required by the Governor General in Council to retire on reaching the age of 50 years, if they have not attained to the rank of Superintending Engineer

1 This amended sub clause has effect from the 19th October 1923.

2 This amended sub clause has effect from the 3rd June 1930, it replaces old sub clauses (iv) and (v)

NOTE.—These provisions do not apply to members of the first and second divisions of the Superior Telegraph Traffic Branch (other than officers of the old Superior Telegraph Establishment), nor to those of the second division of the Superior Telegraph Engineering and Technical Branches, whose retirement is governed by clause (a) of this Rule.

(2) Subject to the requirements of this sub-clause as to re-appointment, the Local Government may, in special circumstances, which should be recorded in writing, grant an extension of service not exceeding three months, to a Chief Engineer.

(3) No Chief Engineer of the Public Works or Railway Department, and no officer in the Superior Revenue Establishment of State Railways, corresponding in rank to a Chief Engineer, nor any officer holding the post of Consulting Engineer to the Government of India, shall, without re-*appointment, hold the post for more than five years,* but reappointments to the posts may be as often, and in each case for such period not exceeding five years, as the Local Government may decide, provided that the term of reappointment shall not extend beyond the date on which the Government servant attains the age of 55, or, in the case of a Chief Engineer, more than three months beyond that date.

NOTE.—Officiating service, unless followed by confirmation without interruption in such service, does not count towards the period of five years mentioned in this sub-clause.

(v) The Bishops of Lahore, Rangoon, Lucknow and Nagpur, though borne on the cadre of the Indian Ecclesiastical Establishments, are not subject to any rule requiring their retirements at a particular age.

(vi) The following provisions are applicable to military officers in civil employ:—

(1) Officers of the Indian Medical Service must retire from civil employ at the age of 55 years, provided that—

1 a Director General of the Indian Medical Service may remain in service up to the age of 60 years;

2 Surgeons-General and Inspectors-General of Civil Hospitals may remain in civil employ up to the age of 57 years; and

3 a Lieutenant-Colonel who entered the service before the 1st April 1911, and was specially selected for increased pay on or before the 16th February 1921, may remain in civil employ till he completes 30 years' service; but if he is specially selected for increased pay after the 16th February 1921, he shall be retired on attaining the age of 55 years unless he has not completed

27 years' service for pension, in which case he may be retained until he completes such period of service

(2) Military officers in the Survey of India Department cease to be in civil employ on reaching the age of 55 years unless granted an extension by the Secretary of State in Council

(3) Military commissioned officers serving in the Public Works or Railway Department cease to be in civil employ under the same conditions as govern the retirement of civil engineers of those departments In addition an officer of the Royal Engineers must retire on attaining the rank of General Officer, provided that, if he is holding a post of Chief Engineer, he may, with the sanction of the Governor General in Council, be permitted to complete a five years' tenure of the post, unless in the meantime he is required to vacate office under some other regulation

(4) Military officers serving in any department, other than those mentioned in (1) to (3) of this sub-clause, cease to be in civil employ on reaching the age of 55 years; but any such officer, being a military commissioned officer and having held his post for less than five years, may for special reasons, with the sanction of the Governor General in Council, be permitted to retain it until he has held it for that period.

NOTE 1.—This rule does not apply to a Government servant who is appointed to any post by His Majesty the King Emperor of India, or by the Governor General in Council with His Majesty's approval.

NOTE 2.—For the purpose of sub-clauses (i), (vii) (3) and (vii) (4) of clause (c) of this rule officiating tenure of a post shall be included in calculating the period of five years.

NOTE 3—The grant, under Rule 86, of leave extending beyond the date on which a Government servant must compulsorily retire, or beyond the date up to which a Government servant has been permitted to remain in service, shall be treated as sanctioning an extension of service up to the date on which the leave expires.

Secretary of State's Rulings—

The age of superannuation referred to in sub clause (c) (iii) should be 60 years in case of all incumbents of the posts included in F R. 98 which has replaced Art 547, C S R, irrespective of whether the officer concerned is recruited directly or promoted from a subordinate post

[G I, F D, No 2053 C S. R, dated 16th May 1923]

Government of India's orders —

(1) Under Fundamental Rule 2, the Governor General in Council has declared, in so far as Government servants under his administrative control or in a Chief Commissioner's Province are concerned, that Fundamental Rule 56 (*a*) shall not apply to a Government servant in inferior service

[G I, F D, No 723-C S R, dated 16th May 1923]

(2) In view of the occurrence of the word 'ordinarily' in F R 56 (*b*), a ministerial Government servant can be retired from Government service between the age of 55 and 60 years on grounds other than those of efficiency and that in such a case he has no claim to be retained in service up to the age of 60 years The purpose of F R 56 is not to confer upon Government servants any right to be retained in service up to a particular age but to prescribe the age beyond which they may not be retained in service

[G I F D, No F 24 R. I/32, dated 9th May 1932.]

(3) In supersession of all previous orders on the subject the Governor General in Council has decided that the officers of Indian Posts and Telegraphs Department mentioned below should be classified as non ministerial for the purpose of Rules 56 (*a*) and 56 (*b*) of the Fundamental Rules or Articles 459 (*a*) and 459 (*b*) of the Civil Service Regulations and that all other officers of the Department in Superior Service should be classified as ministerial for the purpose of those rules —

1 All Gazetted Officers,
2 Engineering Supervisors,
3 Electrical Supervisors,
4 Wireless Supervisors,
5 Telegraph Masters,
6 Telegraphists (including those employed as carrier attendants),
7 Wireless Operators,
8 Telephone Inspectors,
9 Line Inspectors,
10 Sub Inspectors,
11 Telephone Operators,
12 Linemen (including line riders),
13 Mechanics and Artificers (including Cable Jointers and Assistant Cable Jointers, Engine Drivers and Assistant Engine Drivers, Mistries, Carpenters, Painters and Motormen),
14 Syrangs,
15 Foremen,

16 Assistant Foremen,
17 Instrument Examiners,
18 Instrument Testers,
19 Cable Supervisors,
20 Inspector of Peons,
21 Conservancy Inspectors (including Building Overseer and Sanitary Overseer)

[F A., P & T s Endt. No. S A 9/4 (109)/31, dated 22nd November 1932]

Audit Instructions—

(1) When a Government servant is required to retire revert or cease to be on leave on attaining a specified age the day on which *he attains that age is reckoned as a non working day and the Gov*ernment servant must retire revert or cease to be on leave (as the case may be) with effect from and including that day This rule applies to all Government servants, Civil Military or Naval

[Para. 1, Chap IX, Sec. 1 of Manual of Audit Instructions (1926)]

(2) The law officers referred to in sub clause (c) (*iii*) of this rule and to whom the old rules in Chapter XXIV Civil Service Regula

No. 74.

Page 201, Section III, F. R 56—

Insert the following as item (4) of "Audit Instructions" under this Rule —

"(4) F R 56 [clauses (*a*) and (*b*)] is generally applicable to re-employed personnel, and the rules in Chapter XXI of the C S R are subject to the conditions laid down in F. R 56 Article 520, C S R, however, from the nature of its concession and conditions, puts the re-employment of a person in receipt of a superannuation or retiring pension in a special class outside F R 56 and subject to the conditions stated in the Article itself which must be observed with every renewal of sanction

[Manual of Audit Instructions (1926) No 302, dated 1st February 1936]

[No 74, dated the 18th March 1936]

Government of India's orders —

(1) Under Fundamental Rule 2, the Governor General in Council has declared, in so far as Government servants under his administrative control or in a Chief Commissioner's Province are concerned, that Fundamental Rule 56 (a) shall not apply to a Government servant in inferior service

[G I, F D, No 723 C S R, dated 16th May 1923]

(2) In view of the occurrence of the word 'ordinarily' in F R 56 (b), a ministerial Government servant can be retired from Government service between the age of 55 and 60 years on grounds other than those of efficiency and that in such a case he has no claim to be retained in service up to the age of 60 years The purpose of F R 56 is not to confer upon Government servants any right to be retained in service up to a particular age but to prescribe the age beyond which they may not be retained in service

[G I, F D, No F 24 R I/32, dated 9th May 1932]

(3) In supersession of all previous orders on the subject the Governor General in Council has decided that the officers of Indian Posts and Telegraphs Department mentioned below should be classified as non ministerial for the purpose of Rules 56 (a) and 56 (b) of the Fundamental Rules or Articles 459 (a) and 459 (b) of the Civil Service Regulations and that all other officers of the Department in Superior Service should be classified as ministerial for the purpose of those rules —

1 All Gazetted Officers,
2 Engineering Supervisors,
3 Electrical Supervisors,
4 Wireless Supervisors,
5 Telegraph Masters,
6 Telegraphists (including those employed as carrier attendants),
7 Wireless Operators,
8 Telephone Inspectors,
9 Line Inspectors,
10 Sub Inspectors,
11 Telephone Operators,
12 Linemen (including line riders),
13 Mechanics and Artificers (including Cable Jointers and Assistant Cable Jointers, Engine Drivers and Assistant Engine Drivers, Mistries, Carpenters, Painters and Motormen);
14 Syrangs,
15 Foremen,

16 Assistant Foremen,
17 Instrument Examiners
18 Instrument Testers,
19 Cable Supervisors,
20 Inspector of Peons,
21 Conservancy Inspectors (including Building Overseer and Sanitary Overseer)

[F A, P & T's Endt. No S A 9/4 (109)/31 dated 22nd November 1932.]

Audit Instructions—

(1) When a Government servant is required to retire revert or cease to be on leave on attaining a specified age the day on which he attains that age is reckoned as a non working day and the Government servant must retire revert or cease to be on leave (as the case may be) with effect from and including that day This rule applies to all Government servants Civil Military or Naval

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[Manual of Audit Instructions (1926) No 302, dated 1st February 1936]

[No 74, dated the 18th March 1936]

PART IV.

Chapter X.—Leave.

Section I—*EXTENT OF APPLICATION.*

F. R. 58. Unless in any case it be otherwise distinctly provided in section VI of this chapter, the rules in sections I to V of this chapter apply to all Government servants to whom the fundamental rules as a whole apply; provided that it shall be open to any person who is in Government service at the time when the fundamental rules come into force to exercise the option of remaining under the leave rules to which he has hitherto been subject The intention of exercising this option must be specifically declared to the Local Government or the Governor General in Council, as the case may be, within six months of the date on which the fundamental rules come into force or, if the Government servant be on leave on that date, within six months of his return from leave Every Government servant who does not make such a declaration will become subject to the rules in sections I to V of this chapter The option once exercised is final.

NOTE.—A similar option may be exercised by the Government servants mentioned in rules 99 and 100.

[*For the Revised Leave Rules, 1933, made by the Governor General in Council in exercise of the powers conferred on him by Rules 33 (2), 37, 42 and 44 (d) of the Civil Services (Classification, Control and Appeal) Rules, for the Central Civil Services subject to his rule making control in substitution for the corresponding rules in the Fundamental and the Supplementary Rules*, see *Appendix 7-A*]

Secretary of State s Order—As an inducement to Government servants to accept the leave rules in these rules the Government of India have obtained the consent of the Secretary of State to the following concession On the first occasion after the 1st January 1922 on which any Government servant who accepts the new rules takes leave he will be permitted, at his option, to draw, during that portion of his leave which corresponds to privilege leave, the pay of the post on which he holds a lien instead of his average pay without limit (The term lien' should for this purpose be interpreted in the more liberal sense in which it is used in the Civil Service Regulations and not in the limited sense in which it is used in the Fundamental Rules)

[Para 4 of G I F D, letter No 1079 C S R, dated 26th Oct 1921 and G I F D letter No 765 C S R, dated 15th July 1922]

Government of India's Order—Any Government servant who is on leave on the 1st January 1922 may, if he does not desire to exercise the option of remaining under the old leave rules, cancel the unexpired portion of his leave and substitute for it any period of leave to which he will be entitled under the new rules This concession will be subject to the condition that it should not operate to secure to the Government servant concerned a larger total period of leave on average pay or its equivalent than he would have been able to enjoy had he been subject to the Fundamental Rules from the commencement of his leave

[Para 5 of G I, F D, letter No 1079 C S R, dated 26th Oct 1921]

Audit Instructions—

(1) (*a*) A Government servant on leave on the 1st January 1922, who does not take advantage of the option of cancelling the unexpired portion of his leave and coming under the Fundamental Rules with effect from the 1st January 1922, is to be regarded as coming under the new rules with effect from the date of his return from leave unless he elects to remain under the old rules within six months of his return from leave

(*b*) Privilege leave should be treated as the "equivalent of 'leave on average pay" with reference to paragraph 4 of Government of India, Finance Department, letter No 1079 C S R dated 26th October 1921, *i e*, a Government servant who has enjoyed privilege leave *combined with furlough on average pay for a period of* 8 months (or up to 10 months in the case of those to whom the [illegible] concession of the accumulation of privilege leave up to 6 months is applicable) prior to the 31st December 1921, is not eligible for any period of leave on average pay until he has resumed duty

(*c*) The words "Government servants to whom the Fundamental Rules as a whole apply" used in this rule are intended to mean 'Government Servants referred to in Fundamental Rule 2"

[Para 1, Chap X, Sec I of Manual of Audit Instructions (1926)]

(2) The expression "the first occasion hereafter on which any Government servant takes leave" appearing in paragraph 1 of Government of India Finance Department, letter No 1079 C S R, dated the 26th October 1921, should be interpreted to refer, in the case of a Government servant who was on leave on the 1st January 1922 and who postpones coming under the Fundamental Rules till after his return from leave, to the first occasion on which he takes leave under the Fundamental Rules In the case of a Government servant who has exercised the option of cancelling the unexpired portion of his leave and coming under the Fundamental Rules with effect from the 1st January 1922, he may do so without reference to the concession of drawing during 'leave corresponding to privilege leave" the pay of the post on which he has a lien, but will be entitled to enjoy that concession on the next occasion on which he

takes leave thereafter, subject, however, to the proviso that, if he definitely asks that the substituted leave from the 1st January 1922 should be reckoned as the first occasion on which he takes leave under the Fundamental Rules, his request should be complied with.

[Para. 2, Chap X, Sec I of Manual of Audit Instructions (1926)]

(3) The expression "that portion of leave which corresponds to privilege leave" occurring in paragraph 4 of Government of India, Finance Department, letter No 1079 C S R dated 26th October 1921, should be interpreted to mean in the case of leave taken after the 1st January 1922 the first four months of any period of leave on average pay or any longer period of leave during which Note 1 under Fundamental Rule 89 makes maximum limits of average pay inapplicable *Such leave is in all other connections being treated as though it were privilege leave and may be treated similarly in this connection also* The limit of four months of leave on average pay should be held to be inclusive of the period of vacations, if any, prefixed to leave

[Para 3, Chap X, Sec I of Manual of Audit Instructions (1926), and A. G.'s No 223 A—217 23, dated 7th June 1923]

[1]F. R. 59 Leave is earned by a Government servant under sections I to V of this chapter if he holds a lien on a permanent post in civil employ or would hold a lien on such a post had his lien not been suspended.

F. R 60. Leave is earned by duty only. For the purpose of this rule a period spent in foreign service counts as duty if contribution towards leave-salary is paid on account of such period

F R 61. A military commissioned officer appointed to a post in civil employ becomes subject to these rules under the following conditions:—

(a) (i) An officer subject, before such appointment, to the Indian Army Leave Rules, becomes subject to these rules from the date of first substantive appointment to a post in civil employ or from the date of completion of three years' continuous officiating duty in such service, whichever is earlier In reckoning continuous duty—

(1) any period of foreign service, to which transfer was made direct from a civil post, may be included, and

(2) leave does not operate to break continuity unless the officer has to revert to military employ in order to obtain such leave.

NOTE.—*This rule also applies to commissioned officers transferred from the Army Veterinary Department to the Civil Veterinary Department.*

(ii) A continuous service officer of the Royal Engineers becomes subject to these rules from the date of his entry

[1]This revised rule has effect from the 29th May 1934

into permanent civil employ or from the date of his election for continuous Indian service, whichever is later.

(iii) A non-continuous service officer of the Royal Engineers, if he elects for these rules, becomes subject to them from the date of his entry into permanent civil employ or from the date of completion of five years' Indian service, whichever is later.

(b) Transfer from military service to a post in civil employ, the tenure of which is limited to a definite period, does not entitle an officer to leave under these rules unless it is a condition of such transfer that he will not return to military employment at the expiry of his tenure of the said or any subsequent post in civil employ

F. R 62. Except as provided in Rule 61, a military officer in civil employ remains subject to military leave rules

F R 63 When a military commissioned officer subject to these rules is temporarily transferred to military duty, but retains a lien on his post in civil employ, the period of his absence counts as duty for leave under these rules

F R. 64 Unless in any case it be otherwise expressly provided by or under these rules, a Government servant transferred to a service or post to which these rules apply from a service or post to which they do not apply is not ordinarily entitled to leave under these rules in respect of duty performed before such transfer; but a Government servant reverting from duty as Judge of a High Court, or as one officers specified in Rule 98 below, may count such duty for though it were duty performed in a vacation department, taken during the service concerned being treated as taken und rules.

F. R. 65. [1](a) If a Government servant, who quits service on compensation or invalid pension or gratuity, and if his gratuity is thereupon refunded or his pension held in abeyance, his past service thereby becoming pensionable on ult. retirement, he may, at the discretion of the authority sanctioning re-employment and to such extent as that authority may decide, co his former service towards leave

(b) A Government servant who is dismissed or removed from the public service, but is reinstated on appeal or revision, is entitled to count his former service for leave, unless the appellate or reviewing authority declares that he shall not so count it in whole or in part.

Government of India's decision.—The re employment of a person who has retired on a superannuation or retiring pension is generally an exceptional and temporary expedient and it has been decided that in such cases the service of the re employed pensioner should be regarded as temporary and that his leave should be regulated by Fundamental Rule 103

[G. I., F. D letter No F/404 R. I/27, dated 21st Aug 1928.]

[1] This revised clause (a) has effect from the 5th September 1928.

Section II—*GENERAL CONDITIONS.*

F R 66 A Local Government may make rules specifying the authorities by whom leave, other than special disability leave under rule 83, may be granted

[*For rules made by the Governor General in Council under Fundamental Rule 66 in his capacity as a Local Government*, see *Supplementary Rules 206 208*]

No. 626.

Page 207, *Section III, F. R* 68—*Substitute* the following for item (1) of the Audit Instructions below this Rule —

" (1) *Interpretation of the expression ' recognised holidays ' in F R* 68—All days which are within the definition of holidays in S R. 2 (12) and are also allowed to the individual concerned but no other days shall be treated as ' recognised holidays ' for the purpose of F R 68 The effect will be that a so-called sectional holiday in the Government of India Secretariat will be treated as a recognised holiday for the purpose of F R 68 if it is a public holiday in terms of the Explanation to Section 25 of the Negotiable Instruments Act, 1881, and is admissible as a sectional holiday to the individual concerned but not otherwise

Holidays, such as the Guru Nanak Dev's birthday which is a closed holiday for the Government of India Secretariat and its attached and subordinate offices in Simla and Delhi but is not notified as a Negotiable Instruments Act holiday by the Chief Commissioner, Delhi, shall also be treated as ' recognised holidays ' for the purpose of F R. 68 "

[Correction No 69, dated the 1st August 1942, to the Manual of Audit Instructions (Reprint)]

(No 626, dated the 28th August 1942.)

or affixed to leave or joining time

[*For rules made by the Governor General in Council under Fundamental Rule 68 in the capacity as a Local Government*, see *Supplementary Rules 209 211*] For Govt instructions see p.

Audit Instructions— file No F/25-1 III see slip 626

(1) Sectional holidays in the Government of India Secretariat should be treated as recognized holidays for the purpose of this rule

[Para 4C, Chap X Sec I of Manual of Audit Instructions (1926)]

(2) The joining time of a Government servant who returns from leave out of India and disembarks not at the first port of call in India but at another such port should be reckoned from the day of arrival of the vessel at the second or subsequent port at which he actually disembarks whether the sea journey from the first port of call in India to the subsequent port of disembarkation is made in the *same* steamer which takes him to the first port of call or in *some other* steamer

[Para 4 D, Chap X Sec I of Manual of Audit Instructions (1926)]

(3) see slip 368

[1] [ ] Inserted with effect from the 10th November 1931.

[1]F. R. 69. A Government servant on leave may not take any service or accept any employment without obtaining the previous sanction of—

(a) the Governor General in Council, if the proposed service or employment lies elsewhere than in India; and

(b) the Governor General in Council, or any lower authority empowered to appoint him, if the proposed service or employment lies in India.

Provided that a Government servant who has been granted permission to take any service or accept any employment under this rule, during leave preparatory to retirement, shall be precluded, save with the specific consent of the Governor General in Council, or any lower authority empowered to appoint him, from withdrawing his request for permission to retire and from returning to duty.

NOTE.—This rule does not apply to casual literary work, or to service as an examiner or similar employment; nor does it apply to acceptance of foreign service, which is governed by Rule 110.

Secretary of State's decision.—The Secretary of State now holds that the employment of officers who are on leave preparatory to retirement in trading concerns in India is *prima facie* open to grave objection and should be permitted only in very exceptional cases. All applications to take up private employment with trading concerns in India while on leave preparatory to retirement, which may be received from officers in India who are on leave preparatory to retirement or who are contemplating premature retirement in India should, therefore, be very carefully examined and forwarded to the Government of India with full explanation of the views of the local Government.

[G. I., H. D., No. F. 244—5 Public, dated 12th Feb. 1923.]

Government of India's order.—The principle underlying the orders contained in the above letter applies to all services but the sanction of the Government of India is required only in the case of members of the all India services. No reference to the Government of India is necessary in the case of persons appointed by the local Government or any lower authority.

[G. I., H. D., No. F. 261—23 Public, dated 4th June 1923.]

Government of India's decisions—

(1) The Government of India have decided that, though the grant of permission to take up private employment during the leave on medical certificate is technically covered by the provisions of F. R. 69 (*b*), it is not the intention that the leave which can be obtained on the strength of a medical certificate should be allowed to a Government servant the state of whose health enables him to earn a competence by private employment. It has therefore been ruled that F. R. 69 should not be construed as permitting a Government servant who avails himself of leave on medical certificate, to undertake regular employment during such leave.

[G. I., F. D., No. F. 147—R. I/30, dated 30th Oct. 1930, to the Auditor General.]

(2) Slip 415.

[1] This revised rule has effect from the 6th December 1934.

Audit Ruling—The sanction of the Secretary of State is not necessary to the completion while on leave in England of work for a private employer commenced with proper sanction in India

[Ruling (32), Sec IV of Compilation of Audit Rulings]

F. R. 70. All orders recalling a Government servant to duty before the expiry of his leave should state whether the return to duty is optional or compulsory. If the return is optional, the Government servant is entitled to no concession. If it is compulsory, he is entitled:—

(a) If the leave from which he is recalled is out of India,—

(i) to receive a free passage to India; and, provided that he has not completed half the period of his leave by the date of leaving for India on recall, or three months, whichever period is shorter, to receive a refund of the

No 510

Page 209, Section III, F R 70—

Insert the following as item (2) of Government of India's decision under this Rule, the existing entry, as inserted by correction slip No 12, dated 18th March 1936, being numbered as (1) —

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to reduce the amount of leave which could otherwise have been granted as leave proper In the case of an officer of a vacation department, the maximum amount of leave that can be granted throughout his service under Fundamental Rules 81(*a*) and 81(*b*) is subject to the reduction prescribed in Fundamental Rule 82(*b*) Once the maximum amount of leave admissible to such an officer has thus been determined each time leave is applied for, it is subject to no further reduction by reason of the fact that vacation is combined with leave The only occasion when vacation operates to reduce the amount of leave that may be granted under Fundamental Rule 81 is provided in Fundamental Rule 82(*d*) which requires that the period of vacation when combined with

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on III, Fundamental Rule 70—

following as item (2) of " Audit Instruction " below this Rule, try, as inserted by correction slip No 474, dated the 28th June mbered as item (1) —

lication of Fundamental Rule 70 (a) (ii) to Judges governed by Judges Order in Council of 1937 —Under paragraph 26 of the cil read with Fundamental Rule 70 a Judge on compulsory ve out of India is entitled to t the period of his voyage determining the amount of calculating the aggregate at of earning leave " whole period of service,

Audit Instructions (Reprint) No 60, dated the 1st June 1941]

(No. 550, dated the 28th May 1941)

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in Council, in the case of a Government servant on leave in Asia, or the Secretary of State in Council, in the case of a Government servant on leave elsewhere, may by order prescribe A Local Government may require a similar certificate in the case of any Government servant who has been granted leave for reasons of health, even though such leave was not actually granted on a medical certificate.

[*For rules made by the Governor General in Council under Fundamental Rule 71, in his capacity as a Local Government, see Supplementary Rules 212 and 213*]

Secretary of State s order —The Secretary of State in Council has ordered that a Government servant who has taken leave on *medical certificate out of Asia elsewhere than in Europe,* North Africa, America or the West Indies, may not return to duty until he has produced a medical certificate of fitness from two medical practitioners in the following form —

'We certify we have carefully examined C D , of the Department and find that he is in good health and fit to return to his duty in India

Date

Place ''

If the certificate be signed by foreigners, it should be attested by consular or other authority as bearing the signature of qualified medical practitioners

[G I , F D , No 197 C S R , dated 6th March 1922.]

Audit Instruction —The term "Government servant" in line 1 of this rule applies to a permanent Governme

[Para 5 Chap X Sec I of Manual of ... ecision ' below this Rule
dated the 27th September 1943]
... ted the 28th November 1943)

Auditor General s decision —No ... ficate of fitness need be insisted upon in the case of temp ... Government servants

[Ar G s No 113... 23 dated 14th Nov 1923]

F R 72 Unless h... permitted to do so by the authority which granted his leave, ... overnment servant on leave may not return to duty *more than* ...teen *days before the expiry of the period of leave* granted to him

F R 73 A Government servant who remains absent after the end of his leave is entitled to no leave salary for the period of such absence, and that period will be debited against his leave *account* as though it were leave on half average pay, unless his leave is extended by the Local Government Wilful absence from duty after the expiry of leave may be treated as misbehaviour for the purpose of rule 15

Auditor General's decision.—It has been decided by the Auditor General with the concurrence of the Government of India that the overstayal of leave taken by a Government servant before the introduction of the Fundamental Rules on 1st January 1922 should not be debited in his leave account

[C. C. A.'s letter No. 149 A/86 31, dated 8th June 1931.]

F. R. 74. (a) Subject to any instructions which may be given by the Governor General in Council in connection with the control of the issue of money from treasuries or by the Auditor General in India in order to secure efficiency and uniformity of audit, a Local Government may make rules prescribing the procedure to be followed in India—

(i) in making application for leave and for permission to return from leave,

(ii) in granting leave,

(iii) in the payment of leave salary, and

(iv) in the maintenance of records of service

(b) The procedure to be followed elsewhere than in India will be prescribed by the Governor General in Council.

[*For rules made by the Governor General in Council under Fundamental Rule 74 (b)*, see *Supplementary Rules 242 to 262.*

For rules made by the Governor General in Council, under Fundamental Rule 74 (a) (i) and (ii), in his capacity as a Local Government, see *Supplementary Rules 214 to 241*

For rules made by the Governor General in Council, under Fundamental Rule 74 (a) (iv), in his capacity as a Local Government, see *Supplementary Rules 196 to 205.*]

Auditor General's Instructions.—The instructions issued by the Auditor General under Fundamental Rule 74 (*a*), are given in Appendix No 8

Section III.—*SPECIAL AND ORDINARY LEAVE RULES*

F. R. 75. (1) All Government servants who are not hereinafter declared to be subject to the special leave rules shall be subject to the ordinary leave rules

(2) The following Government servants shall be subject to the special leave rules, namely —

(a) Any Government servant having at the time of his appointment his domicile elsewhere than in Asia

Provided that no such Government servant shall be entitled to the benefits of the special leave rules who, prior to such appointment, has for the purpose of his appointment to any office under the Government or of the conferment upon him by the Government of any scholarship, emoluments, or other privilege, claimed and been deemed to be of Indian domicile,

(b) Any Government servant having at the time of his appointment his domicile in Asia who, prior to the 24th July 1923, had been admitted to the benefits of the European services leave rules under the Civil Service Regulations, or who between the 1st January 1922 and the 24th July 1923, held a post which would have entitled him to such admission had he been subject to the Civil Service Regulations; and

(c) Any Government servant having at the time of his appointment his domicile in Asia who, prior to the 24th July 1923, held substantively an appointment in a department in which the attainment of a certain rank or a certain rate of pay entitled the officer to admission to the benefits of the European services leave rules under the Civil Service Regulations:

Provided that such a Government servant shall only be entitled to the benefits of the special leave rules when he attains that rank or rate of pay:

Provided further that the concession allowed by clause (c) of this rule is not admissible to a Government servant who attains such rank or rate of pay by reason of being promoted by selection from a subordinate service or post after the 24th July 1923

Audit Instructions—

(1) A Government servant who becomes eligible for the Special Leave Rules while he is on leave under the Ordinary Leave Rules may, from the date he becomes so eligible, change the balance of his leave to leave under the Special Leave Rules

[Para 6, Chap X, Sec I of Manual of Audit Instructions (1926)]

(2) The expression "at the time of his appointment" occurring in Fundamental Rule 75 (2) (a) means the date of an officer's appointment to a service or post to which the provisions of the Fundamental Rules apply

[Para 6A, Chap X, Sec I of Manual of Audit Instructions (1926)]
See slip 512.

F R 75A For the purpose of Rule 2 of Rule 75 the domicile of a person shall be determined in accordance with the provisions set out in the Schedule* to these rules:

Provided that a person who was born and has been educated exclusively in Asia and has not resided out of Asia for a total period exceeding six months shall be deemed to have his domicile in Asia unless in the case of a person to whom the proviso in sub-rule 2 (a) of Rule 75 does not apply it is proved to the satisfaction of the appointing authority that he did not have his domicile in Asia on that date

Secretary of State's decision.—See entry below F R 9 (20).

*See page 279 of this volume

F. R. 75B No Government servant who, after his appointment to a service or post acquires a new domicile, shall thereby lose his right to, or become entitled to admission to, the benefits of the special leave rules.

F R 75C. If any question arises as to the domicile of any Government servant at the time of his appointment, the decision thereon of the Secretary of State in Council in the case of persons appointed by him, of the Governor General in Council in the case of persons appointed by him, or of the Local Government in the case of persons appointed by them, shall be final.

Auditor General's decisions—

(1) The special leave rules in Fundamental Rules 75 to 75C are based on a recognition of the principle that officers serving out of their own country can legitimately be given more generous leave terms than officers serving in their own country Thus, any Government servant whether gazetted or not even though he might have been subject to the Indian Service leave rules under the Civil Service Regulations is entitled under Fundamental Rule 75 (2) (*a*) to the benefits of the special leave rules with effect from the 24th July 1923, provided the criterion for the eligibility is fulfilled, *i e*, if at the time of his appointment he had his domicile elsewhere than in Asia This decision also applies to such Government servants as elected to remain under the leave rules in the Civil Service Regulations

[A. G.'s No. 1158 A [illegible]]

No. 327.

Page 213, Section III, F R 75 C—

Delete item (2) of the Auditor General's decisions under this rule

[Auditor General's letter No T 916 Admn I/86 38 dated the 2nd August 1938]

(No 327, dated the 30th September 1938)

Section IV —*GRANT OF LEAVE*

F R 76 A leave account sha'l be maintained for each Government servant in terms of leave on average pay

Secretary of State's orders —A separate account should be kept of the leave earned by a Government servant serving under a Government and then transferred to another Government and all leave taken after the date of transfer should be debited to this account so long as the balance under it is not exhausted, and the allowances drawn during all leave which is so debited, should be charged to that Government

[S of S's telegram No 59 C S R, dated 12th Jan 1921 received with G I, F D No 970 C S R, dated 22nd Sept 1921]

leave under the military rules is not admissible in respect of the calendar year of transfer because the officer has not actually performed duty in the Military Department during that year.

NOTE.—A commissioned officer transferred from the Army Veterinary Department to the Civil Veterinary Department shall be considered, for the purposes of this rule, to have been subject to the Indian Army Leave Rules from the date of his arrival in India on his last tour of service.

(d) Any other Government servant transferred permanently from military to civil employ is entitled to a credit to his leave account based on such portion of his military duty as, under the rules for the time being in force, is permitted to count for pension

[1]Provided that in the case of a Government servant (other than a Government servant who became subject to these Rules before the 10th April 1934) who becomes subject to these Rules in the calendar year in which he was transferred from military to civil *employ, and who before transfer was subject to Military leave rules,* the credit under this clause shall be reduced by 1/11th of the duty intervening between the date of his becoming subject to these rules and the termination of the calendar year of transfer, but this reduction shall not be made if privilege leave under the military rules is not admissible in respect of the calendar year of transfer because the officer has not actually performed duty in the Military Department during that year.

(e) A statutory civil servant or a Government servant who is subject, at the time when these rules come into force, to the Indian Service Leave Rules which were in force in January, 1920, is entitled to credit to his leave account, in addition to the periods admissible under clause (b) above, one-third of any period of leave on medical certificate taken under the former rules.

Government of India's decisions—

(1) See entry below F R 100

(2) The Government of India have decided that it was not the intention that the privilege leave admissible in cases of urgent necessity under Article 271, Civil Service Regulations, should be carried into the leave account under the Fundamental Rules Such privilege leave is not leave due, though it may be granted under certain circumstances When urgent necessity arises, Fundamental Rule 82 (c) permits an increase of the leave on the credit side by one month for every two years of duty In this manner the period of duty rendered before 1st January 1922, which would have counted for leave under Article 271, Civil Service Regulations, will likewise be reckoned as duty, for the calculation of leave permissible in cases of urgent necessity after 1st January 1922 Thus existing rights are safeguarded

[G I, F D, No 418 C S R, dated 20th Mar 1923]

[1] This proviso has effect from the 10th April 1934

Auditor General's decision.—Officers who join the Indian Army from a British Unit or from the Unattached List of the Indian Army are under the British Service Leave Rules during the period intervening between the date of their first commissions and the date on which they join an Indian Army Unit. Any portion of such service spent out of India, being neither service out of India under the Indian Army Leave Rules nor service in India under the British Army Leave Rules, cannot therefore count towards leave under Fundamental Rule 77 (*c*) (2) (*ii*) or (*iii*).

[A.-G.'s letter No. 331-A./113-28, dated 29th Nov. 1928.]

Audit Instructions.—

(1) Five twenty-seconds of the period spent on duty should be calculated thus:—

The amount of duty as expressed in terms of years, months and days should be multiplied by five and the product divided by twenty-two. In this process of multiplication and division a month should be reckoned as equal to 30 days.

Two-elevenths of the period spent on duty should also be calculated similarly.

[Para. 9, Chap. X, Sec. I of Manual of Audit Instructions (1926).]

(2) In calculating the leave admissible to Government servants subject to the ordinary leave rules for a part of their service and to the special leave rules for the remainder of their service, the periods spent on duty under each of those rules should be taken separately and the calculation of the leave admissible in respect of each of those periods should be made separately. According to this interpretation of the rule, the amount of leave that will be credited to the leave account of a Government servant who was originally under the Indian Service Leave Rules and then came under the European Service Leave Rules will, under Fundamental Rule 77 (*b*) be—(i) the privilege leave which it would, on the date on which he becomes subject to the Fundamental Rules, be permissible to grant to him under the rules in force prior to that date, *plus* (ii) one twelfth of the period spent on duty or on privilege leave during the period he was under the Indian Service Leave Rules, *plus* (iii) one eighth of the period spent on duty or on privilege leave during the period he was subject to the European Service Leave Rules prior to the date of his coming under the Fundamental Rules, *plus* (iv) five twenty seconds of the period spent on duty subsequent to the date of his coming under the Fundamental Rules. The concession in Fundamental Rule 77 (*e*) should also be allowed subject to the proviso that the total leave so credited under Fundamental Rule 77 (*b*) (*ii*) should not exceed what would have been admissible had the Government servant been under the European Service Leave Rules from the beginning of his service.

[Para. 10, Chap. X, Sec. I of Manual of Audit Instructions (1926).]

(3) The expression "period spent on duty" in clause (b) (i) (2), (b) (i) (3) and (b) (ii) (2) of this rule includes also periods of subsidiary leave taken under the rules in force prior to the 29th July 1920

[Para 11, Chap X, Sec I of Manual of Audit Instructions (1926)]

(4) In calculating the amount of leave that should be credited to the leave account of a Government servant other than a Military Commissioned Officer on his permanent transfer from Military to Civil employ, Fundamental Rule 77 (d) should be *read* with the provisions of the preceding clauses of that rule, so that such portion of the Government servant's military duty as under the rules for the time being in force count for pension should be reckoned as duty for the calculation of the amount of leave to be credited under clause (b) of the rule

In the same connection, a further point for consideration is whether in cases where a portion of the Military Service, which is allowed to count for civil leave under clause (d), was rendered prior to the 24th July 1923 the date on which 'domicile' was adopted as the sole criterion for eligibility for admission to the benefits of the special leave rules the proportion for the calculation of the credit in respect of that portion of the military service should be one eighth or one twelfth This point will be decided by the Governor General in Council in each case as it arises on its merits

[Para 11D, Chap X, Sec I of Manual of Audit Instructions (1926)]

(5) The leave of a Government servant who has been in the employ of the Military Department and subject to the Civil Service Regulations should on his permanent transfer to the Civil Department, be regulated under F R 77 (b) and not under F R 77 (d) Any temporary service rendered by such a Government servant under the Civil Service Regulations counts for leave under S R 286

[Para 11A Chap X Sec I of Manual of Audit Instructions (1926)]

(6) In the case of a Military Commissioned officer in permanent civil employ who reverts permanently to the Military Department and is again transferred permanently to the Civil Department, the net amount of leave in the officer's leave account under the Fundamental Rules on the date of his reversion to the Military Department should be credited to his leave account when he again becomes subject to those rules and his leave account should be drawn up in the following manner —

(i) Net amount of leave under Fundamental Rules at credit on the date of reversion to the Military Department, *plus*

(ii) the leave on average pay under F R 100 at credit on the date on which he again becomes subject to the Fundamental Rules, *plus*

(iii) one eighth of the period spent on duty and on privilege leave from the date of reversion to the Military Department to the date on which he again becomes subject to these rules, *plus*

(iv) Five twenty seconds or two elevenths of the period spent on duty subsequent to that date, according as he is [illegible] leave rules

No. 461.

Page 219, Section, III, Fundamental Rule 77—

Insert the following as item (8) of the Audit Instructions below this Rule —

"(8) Temporary service in the Indian Medical Service which is not service under the Indian Army Leave Rules, does not count for the purpose of leave under Fundamental Rule 77(*c*) "

[Manual of Audit Instructions (Reprint), No 51, dated the 1st April 1940]
(No 461, dated the 28th April 1940)

(9) See Slip 461.

F. R. 78. The amount of leave debited against a Government servant's leave account is—

(a) the actual period of leave on average pay including any furlough on average pay taken under rules previously in force but excluding special disability leave on average pay under Rule 83 (7), and

(b) half the period of leave on half average pay (other than special disability leave) or on quarter average pay or on leave-salary equal to subsistence grant under the note to Rule 88, or of special disability leave on average pay under Rule 83 (7) (b).

NOTE 1 —No privilege leave taken under the former Civil Leave Rules, or by a military officer under the British or Indian Army Leave Rules before coming under civil rules, is to be debited under (a) above.

NOTE 2 —(i) Under (b) above are to be debited—

(a) Furlough, leave on medical certificate and special leave with allowances taken under either the European Service Leave Rules or the Indian Service Leave Rules as they stood before these rules came into force.

[1](b) In the case of a military commissioned officer who becomes subject to these Rules, leave in and out of India on less than full pay actually taken during the following periods of service:—

(1) service in India under the Indian Army Leave Rules or the British Army Leave Rules, and

(2) service out of India under the Indian Army Leave Rules subsequent to the date of first arrival in India.

Provided that the debit on this account shall not exceed the credit given in respect of such service under Rule 77 (c).

[1] This amended sub-clause has effect from the 28th January 1930

(ii) In the case of a member of the Indian Civil Service or a military commissioned officer subject to these rules other than such an officer who became subject to these rules after 28th February 1928 and is subject to the ordinary leave rules or a chaplain on the Indian Ecclesiastical Establishment, special leave with allowances taken under rules previously in force, and leave *not due taken under these rules, up to* a combined maximum of three months, reckoned in terms of leave on average pay, shall not be so debited.

NOTE 3.—In cases covered by Rule 77 (d), the leave taken during the period of duty on which the credit to the leave account is based is to be debited as prescribed in Notes 1 and 2 above.

Government of India's ruling.—Leave "not due" taken under Note 2 (ii), whether on medical certificate or not, should not up to a *maximum* of *3* months expressed in terms of leave on average pay be debited to the leave account of a member of the Indian Civil Service, or a military commissioned officer subject to the Fundamental Rules.

[G. I., F. D., No. 622 C. S. R., dated 20th April 1923.]

Audit Instruction.—Leave on average pay taken under Fundamental Rule 100 should not be debited against the leave account under Fundamental Rule 78 *(a)*.

[Para. 11 F, Chap. X, Sec. I of Manual of Audit Instructions (1926).]

[illegible] 376

F. R. 79. When a Government servant, who has previously been subject to the ordinary leave rules, is admitted to the benefits of the special leave rules, no change shall be made in the amount of leave previously credited and debited to his account, but he shall be entitled to the maximum amount of leave prescribed in Rule 81 (a) (i).

F. R. 80. The amount of leave due to a Government servant is the balance of leave at his credit in the leave account.

F. R. 81. Leave may be granted to a Government servant at the discretion of the authority entitled to grant the leave, subject to the following restrictions:—

(a) The maximum amount of leave which may be granted, expressed in terms of leave on average pay, is the privilege leave which it would be permissible to grant to the Government servant in question, on the date on which he becomes subject to these rules, under the rules applicable to him prior to that date: *plus*

one-eleventh of the period spent on duty subsequent to that date: *plus*

(i) in the case of Government servants under the special leave rules, three years; or

(ii) in the case of Government servants under the ordinary leave rules, two and a half years.

[1]Provided that special disability leave on half average pay or on average pay under Rule 83 (7) (a) shall not be taken into account in calculating the maximum prescribed by this clause, and, in the case of such leave taken on average pay under Rule 83 (7) (b), account shall be taken of only half the period thereof.

(b) The maximum amount of leave on average pay including any furlough on average pay taken under rules previously in force [2][but excluding special disability leave on average pay under Rule 83 (7) (a)] which may be granted is:—

(i) To a Government servant under the special leave rules, eight months at any one time,

and, in all,—

the privilege leave which it would, on the date on which he comes under these rules, be permissible to grant to him under the rules applicable to him prior to that date; *plus*

one-eleventh of the period spent on duty subsequent to that date; *plus* one year.

[3](ii) To a Government servant under the ordinary leave rules, four months or to such Government servant attached to the Kashgar Consulate-General, six months, at any one time,

and, in all,—

(This amend...

[G. I., F. D. Notification No. F 7(78) R ... (No. 283, dated the ...

... four months, the ... as prescribed in sub-clauses (i) ... increased, on the first occasion when leave is taken ... rules, by the number of months by which the amount of privilege leave due exceeds four months

[1] This amended proviso has effect from the 13th April 1926

[2][ ] Inserted with effect from the 13th April 1926

[3]This amended clause has effect from the 7th September 1927

[4][ ] Inserted with effect from the 2nd March 1932 with the previous sanction of the Secretary of State

[5][ ] Substituted for the words India or Ceylon' with effect from the 21st July 1931

No. 197

Page 222, Section III, F. R. 81—

Insert the following Note to clause (c) of this Rule :—

"NOTE.—In cases where a Government servant who has been granted leave not due under this clause applies for permission to retire voluntarily the leave not due shall, if the permission be granted, be cancelled and his retirement shall have effect from the date on which such leave commenced."

(This amendment takes effect from the 16th March 1937.)

[G. I, F. D, Notification No F 7 (47) R. I /35, dated the 15th April 1937]
(No 197, dated the 29th April 1937)

[G. I, F. D. Notification No F 7 (47) R.-I/35, dated the 11th June 1936]
[No. 101, dated the 25th June 1936]

twenty-eight months.

(e) When a Government servant returns from leave which was not due and which was debited against his leave account, no leave will become due to him until the expiration of a fresh period spent on duty sufficient to earn a credit of leave equal to the period of leave which he took before it was due.

No. 221.

222, Section III, F. R. 81—

Delete item (I) of the Government of India's orders below this Rule.

Manual of Audit Instructions (1926), No. 318, dated the 1st August 1937]
(No. 221, dated the 28th August 1937.)

step of granting such leave is taken, it should be irrevocable, except at the request of the officer, who should not be penalised if reasonable anticipations fail to materialise The Governor General in Council has accordingly ruled—

(i) that leave not due may in no case be granted unless the sanctioning authority is satisfied that, as far as can be reasonably foreseen, the officer will return to duty and earn it, and

(ii) that the leave when granted should in all cases (subject *to the officer's wishes)* be allowed to stand, including cases in which the officer fails to earn it by subsequent duty

N B—The first item of this ruling does not apply in the case of leave not due to which an officer may be eligible under Note 2 (ii) to Fundamental Rule 78

[G I, F D, letter No F 46 R I /29, dated 6th May 1929]

(2) Any period of leave on average pay not exceeding four months, the first four months of any period of leave on average pay in excess of four months, or any longer period, to which Government servants

[1] This Note has been introduced with effect from the 4th December 1928

may be entitled under the operation of the note [present Note 1] *under Fundamental Rule* 81 (*b*), shall count as privilege leave whether in the calculation of pensions, proportionate pensions or additional pensions

Any other period of leave during which leave salary is drawn shall count as leave with allowance

Leave on average pay alternating with deputation out of India should not be split up into different periods but treated as one continuous spell of leave and not more than 4 months in all should count for pension

No. 288.

Page 223, Section III, F R 81—

Insert the following in partial modification of the Government of India order No (5) below this rule —

The words "period in excess of 4 months" occurring in paragraph 2 the Government of India order No 5 inserted below this rule by correction slip No 233, dated the 25th September 1937 should be substituted by the w "period of leave on average pay which would not have been admissible had proviso to F R 81 (*b*) (ii) not been applied"

The leave on average pay on medical certificate granted under the viso to Fundamental Rule 81 (*b*) (ii) to a Government servant who subsequ ly retires should be commuted into leave on half average pay and sh count for pension as leave on half average pay even though the Governm servant concerned is not called upon to refund the amount drawn in exce leave salary

Article 167 (*a*) of the Audit Code, Volume I, applies to the decision con ed in paragraph 1 of the Government of India order No 5 referred to al The interpretation should have effect from the 10th August 1937 and th cess amount of leave salary or pension already paid before that date will n recovered The new interpretation should be applied only to cases in w pension was sanctioned on or after 10th August 1937 and pension in o cases should *not* be recalculated

If leave on average pay is applied for after a Government servant has had leave on half average pay in continuation of a period of No. 401. ... of a medical certifi-

Page 223, Section III, F. R. 81—

Delete the first sub paragraph of item (1) of the Audit Instructions below this Rule.

Manual of *Audit Instructions* (Reprint), No 41, dated the 1st August 1939]

(No 401, dated the 1st September 1939)

determine whether the first ... ed as privilege leave for purposes of pension

[Para 12, Chap X, Sec. I of Manual of Audit Instructions (1926)]

[The above Audit Instruction does not require alterations of the original entries in the service book leave account, etc Thus the intervening period of leave on half average pay which has not been converted into leave on average pay under the operation of the proviso to Fundamental Rule, 81 (*b*) (*ii*), should remain unchanged]

—— G s No 115 A /30 24, dated 16th February 1925]

No 672.

Page 224, Section III, F R 81—

Insert the following after the word "*time*" occurring in line item (4) of the Audit Instructions below this Rule —

"(i e, the period of leave at credit in column 6 of the leave account subject to a maximum of *four months*)"

[*Manual of Audit Instructions* (Reprint) No 73, dated the 1st April 1.

(No 672, dated the 28th May 19

(4) If, under the operation of the proviso to F R 81 (*b*) (*ii*) the maximum amount of leave on average pay admissible at a time is increased, further leave on average pay may not be granted in continuation, unless such leave is taken on medical certificate or is spent elsewhere than in India, Ceylon or Nepal but such leave on average pay which may be taken on medical certificate or outside India Ceylon or Nepal up to a maximum of 12 months in a Government servant s whole service, if due does not consume the leave on average pay which may be taken without medical certificate —

[Para 13, Chap X, Sec I of Manual of Audit Instructions (1926)]

(5) The expression 'continuous absence from duty' occurring in Fundamental Rules 81 (*d*) and 88 includes absence on 'special leave' granted in connection with the award of Commonwealth Fund Service Fellowships if, owing to a combination of ordinary leave with such 'special leave', the aggregate period of absence exceeds 28 months

[Para 16 A, Chap X, Sec I of Manual of Audit Instructions (1926)]

(6) In addition to leave on average pay for four months under Fundamental Rule 83 (7) (*a*) which is not debitable to the leave account, the maximum amount of leave on average pay that can be taken whether under Fundamental Rule 83 (7) (*b*) or under Fundamental Rule 81 (*b*) or both can be only eight months This follows from a consideration of the wording in Fundamental Rule 83 (7) (*b*), under which a Government servant is allowed to draw leave salary equal to average pay for a period not exceeding the period which would otherwise be admissible to him as leave on average pay. Under Fundamental Rule 81 (*b*) this period is limited to eight months under clause (*i*) or four months under clause (*ii*) which may be extended by another four months in certain circumstances [*vide* proviso to clause (*ii*)] In case leave on average pay for eight months, if due under Fundamental Rule 81 (*b*) is all taken under Fundamental Rule 83 (7) (*b*) no further leave on average pay can be *taken under the provisions of the former rule* *The total leave on average pay* that can be granted to a Government servant therefore is only twelve months *viz*, four months under Fundamental Rule 83 (7) (*a*) and eight months under Fundamental Rule 83 (7) (*b*) or under Fundamental Rule 81 (*b*) or both

Under Fundamental Rule 83 (4) ...

No. 345.

Page 225, Section III, Fundamental Rule 81—

Insert the following as item (7) of the Audit Instructions below th Rule —

(7) (i) The Governor General in Council has ruled

... unless the sanctio... be reasonably for... t, and ... mental Rule 81 (... ject to the Gover... including cases ... duty:

No. 480.

225, Section III, Fundamental Rule 81—

ubstitute the following *for* the fourth line of correction slip No 345, the 23rd December 1938, on this page —

"*(7) The Governor General in Council has ruled—*"

(No 480, dated the 28th June 1940)

... leave not due to which

N.B—The first item of this ruling does ... a Government servant may be eligible under Note 2 (ii) to Fundamental Rule 78

[Manual of Audit Instructions (Reprint) No 23, dated the 1st December 1938]

(No 345, dated the 23rd December 1938)

... subsequent to that date in all and up to a maximum of 4 months at one time (but see note—present note 1—under Fundamental Rule 81) If however he produces a medical certificate or spends his leave outside India or Ceylon leave on full *average pay may be granted to him up to the maximum prescribed* in sub clause (i) of clause (b) of Fundamental Rule 81 provided that he has sufficient leave at his credit in his leave account

[Ar G s No 1136 A/398 23, dated 16th November 1923]

No. 430.

Page 226 Section III. F. R. 81—

No. 468.

Page 226—Section III—Fundamental Rule 81—

Read "item (7)" for "item 2" occurring in the second line of correction slip No 430, dated the 1st January 1940 to this Rule

(No 468, dated the 28th May 1940)

if any of leave at his credit summarly calculation of leave on average pay at 1/11th of duty should be worked out separately on a side of the leave account In doing so, calculations should be made and rounding of fractions effected each time an officer proceeds on leave The method adopted should thus be exactly the same as applicable to Government servants subject to the ordinary leave rules.

[Auditor General's endorsement No 439 A/293 39, dated the 25th October 1939]

see slip 461

(No 430, dated the 1st January 1940)

No. 487.

Page 226—Section III—Fundamental Rule 81—

"Auditor General's No 430, dated the dated the 28th May

lecis

ist January 1940, and

1940 —

"It is, however, not the intent

subject to the Special Leave Rules

ence of a day or two resulting from

ised In cases in which subsidiary leave accounts on average pay have not yet been opened under the revised procedure, such accounts should now be opened as and w

indicated below,

given effect to fr

leave account up to 31st August 1939 under

disturbed —

Privilege Leave on 1st January 1922
Additional one year
1/11th of duty from 1st January 1922 to 31st August 1939

Total

Furlough on average pay prior to Fundamental Rules (show dates and period)
Leave on average pay under Fundamental Rules (up to 31st August 1939) (show dates and period)

Balance on 1st September 1939
Less Leave on average pay taken from 1st September 1939 to—

Balance
Add 1/11th of duty from to

Total
Less leave taken

Balance and so o

[Auditor General s endorsement No 187 Admn /8/40, dated the 24th June 1940]

(No 487, dated the 28th July 1940)

(b) Vacation counts as duty, but the periods of total leave in Rules 77, 81 (a) and 81 (b) should ordinarily be reduced by one month for each year of duty in which the Government servant has availed himself of the vacation If a part only of the vacation has been taken in any year, the period to be deducted will be a fraction of a month equal to the proportion which the part of the vacation taken bears to the full period of the vacation

(c) In cases of urgent necessity, when a Government servant requires leave and no leave is due to him, the periods in Rules 77 and 81 (a), as reduced by clause (b) of this rule,

No 208

Page 227, Section III, F R 82—

Insert the following as Government of India s Order (2) below this rule —

Government of India's Order (2) —An Officer of a Vacation Department may be granted the additional leave which is credited under Fundamental Rule 82 (c) even though he has a debit balance in his leave account due to the fact that leave not due has not been liquidated as required by Fundamental Rule 81 (*e*) The credit of one month under Fundamental Rule 82 (c) is for every completed two years of duty and no fractional credit for a period of less than two years is permissible

(These orders take effect from the 13th May 1937 and past cases need not be reopened)

[G I, F D letter No F 7(37) R I /37 dated the 13th May 1937]
(No 208 dated the 29th June 1937

[Ar G s letter No 170 A/109—32 dated 22nd July 1932]

(2)
Audit Instructions—

(1) The reduction by one month for each year of duty in which the Government servant has availed himself of the vacation as required to be made under Rule 82 (*b*) is intended to be made in respect of leave earned and vacation taken from 1st January 1922

Thus in the case of Government servants of Vacation Departments the leave credited to their leave account under Fundamental Rule 77 will be—

(1) privilege leave at their credit on 1st January 1922 (*i e*, privilege leave earned under Articles 272 to 275, Civil Service Regulations) *plus*

(2) one eighth (or one twelfth) of the period spent or vacation (or privilege leave) up to 31st Decei *plus*

(3) five twenty seconds (or two elevenths) of the p on duty or vacation from 1st January 1922

From this, a reduction will be made of one month for each year of duty in which the Government servant avails himself of the vacation after 1st January 1922 Similarly the total leave admissible under Fundamental Rules 81 (a) and 81 (b) will be reduced by one month for each year of duty in which the vacation is taken after 1st January 1922

[Para 18, Chap X, Sec I of Manual of Audit Instructions (1926)]

(2) The amount credited to the leave account under Rule 82 (c), as well as that added to the maximum under Rule 81 (a) should be the actual amount of additional leave taken under this Rule and not the total amount theoretically permissible, *viz.*, one month for every two years of duty.

[Para 19, Chap X, Sec I of Manual of Audit Instructions (1926)]

(3) For the purposes of Government of India, Finance Department, Resolution No 1260 C S R, dated the 21st December 1921, a Government servant of a vacation department who combines vacation with leave on average pay can count as service for pension only a total period of four months on each occasion

[Para 20, Chap X, Sec I of Manual of Audit Instructions (1926)]

(4) The restrictions on the combination of leave and vacation which were imposed by Article 278, Civil Service Regulations are not perpetuated under the Fundamental Rules Such combination is, however under the latter rules, subject to the condition mentioned in F R 82 (d) and it is thus permissible to allow a vacation to intervene between two periods of leave Similarly vacations may be prefixed or affixed to leave or both prefixed and affixed

[Para 17, Chap X, Sec I of Manual of Audit Instructions (19

(5) The term "each year of duty" should be interpre mean, not a calendar year in which duty is performed, but months of actual duty If the Government servant has such vacation as falls within a period of twelve months on the day on which he begins his duty on return from otherwise, then one month should be deducted from h account It does not matter whether the day on which th ends, falls in a vacation in the succeeding calendar year The question is whether the Government servant has enjoyed such tion as fell within the period of one year as interpreted above

If, to take an example, a Government servant before going on leave has not completed a full year of duty (including vacation) during the course of the second calendar year, then the fraction of one month which should be deducted from the leave account is the fraction which the period of duty, including vacation, bears to the whole year If, to take a further complication, he has not enjoyed the whole of the vacation which fell during that period of less than a year, then the amount which should be deducted is the proportion of the period, which the proportion of vacation actually enjoyed bears to the whole period of vacation which fell within that period.

In the case of Government servants who are allowed two vacations in the year instead of one, the periods of the two vacations should be regarded as combined into one

[Para. 18A, Chap. X, Sec. I of Manual of Audit Instructions (1926).]

Auditor General's decision —As under Fundamental Rule 82 (*d*) a *Government servant of a vacation department can combine* vacation with leave on average pay subject only to the condition that the vacation so combined should be treated as leave for the purpose of determining the maximum period of leave on average pay which can be had in one spell, the limit of leave on average pay ordinarily admissible when it is combined with vacation by a Government servant of a vacation department subject to the ordinary leave rules will be either the credit in column 6 of the leave account *plus* the period of vacation or 4 months, whichever is less

[Ar. G.'s letter No. T 824 A/199 31, dated 13th July 1932.]

[1]F. R. 83. (1) Subject to the conditions hereinafter specified a local Government may grant special disability leave to a Government servant who is disabled by injury intentionally inflicted or caused in, or in consequence of, the due performance of his official duties or in consequence of his official position.

(2) Such leave shall not be granted unless the disability manifested itself within three months of the occurrence to which it is attributed, and the person disabled acted with due promptitude in bringing it to notice. But the Governor General in Council, if he is satisfied as to the cause of the disability, may permit leave to be granted in cases where the disability manifested itself more than three months after the occurrence of its cause

(3) The period of leave granted shall be such as is certified by a medical board to be necessary. It shall not be extended except on the certificate of a medical board, and shall in no case exceed 24 months.

(4) Such leave may be combined with leave of any other kind.

(5) Such leave may be granted more than once if the disability is aggravated or reproduced in similar circumstances at a later date, but not more than 24 months of such leave shall be granted in consequence of any one disability.

(6) Such leave shall be counted as duty in calculating service for pension, and shall not, except as provided in Rule 78 (b), be debited against the leave account.

(7) Leave salary during such leave shall, ~~subject to the maxima and minima prescribed in Rules 89 and 90,~~ be equal—

(a) for the first four months of any period of such leave, including a period of such leave granted under clause (5) of this Rule, to average pay, and

[1] This amended rule has effect from the 13th April 1926.

— ...that the period of absence recommended by the medical

No. 663. *Page 231*, Section III, F R 83 A—*Insert* the following as Government of India's decision below this rule.—

Government of India's decision —See item (2) of the Government of India s decision below Fundamental Rule 83, as inserted by correction slip No 662, dated the 28th March 1943

(a) See Hip 729

(No 663, dated the 28th March 1943)

special disability leave under Rule 83, and whose domicile is elsewhere than in Asia, may be granted by the authority which sanctioned the special disability leave, free passage by sea for himself, his wife, and children, to the United Kingdom, or to any port in Europe or in a British colony, dominion, or possession, and on the conclusion of such leave return passage to India, unless he takes leave other than leave on medical certificate in continuation of special disability leave, in which case return passage shall not be granted save with the special sanction of the Secretary of State in Council Provided that the cost of any passages granted under this rule shall not exceed the cost of passages between India and the United Kingdom.

(2) Passages granted under this rule may include travel by land between port of embarkation and port of debarkation, and shall be of such class as the sanctioning authority in each case may determine.

No 729 *Page 231*, Such g as item (2) of the Govern may extend the application ment of India s decision below t by correction slip No 663, rnment servant who dated the 28th March 1943, bein Rule 83A, and whose

"(2) *See* item (3) of Governmental Rule 83, as inserted by t he may, at his discorrection slip No 728, dated th t servant only, or to

ed the 28th March 1944)

(4) For the purpose of this rule.—

[2](i) the domicile of a Government servant is his domicile at the time of his appointment to Government service, as determined in accordance with the provisions of clause 2 (a) of Rule 75 and of Rules 75-A, B and C.

(ii) "child" means a legitimate child (including a step-child) residing with and wholly dependent on the Government servant, who, if a female, is unmarried, or, if a male, is under the age of 16.

F. R. 84. Leave may be granted to Government servants, on such terms as the Secretary of State in Council may by general order prescribe, to enable them to study scientific, technical or similar problems or to undergo special courses of instruction. Such leave is not debited against the leave account.

Secretary of State's Rules regarding Study Leave —The rules prescribed by the Secretary of State in Council, with reference to this rule to regulate the grant of additional leave to Government servants for the study of scientific, technical or similar problems or in order to undertake special courses of instruction are re...

1 This rule was introduced with effect from the 12th April 192...
2 This amended sub-clause has effect from the 31st December 19...

in Appendix No 9 It has also been decided by the Secretary of State that extraordinary leave may be taken in conjunction with study leave without regard to the maximum prescribed in Rule 2 of the Study Leave Rules

[G I, F D, Res No F 20 (2) C S. R 25, dated 4th February 1925]

Government of India's decisions—

(1) The Government of India have decided that the cost of the allowance paid to a Government servant during study leave shall be debited to the Government under which he is employed when the study leave is granted

[G I, F D, No 47 C S R, dated 12th July 1924]

(2) The Governor General in Council has decided that, so far as Government servants under his administrative control or serving in a Chief Commissioner's province are concerned it is not intended that the Study Leave Rules should be applied ordinarily in the cases of non gazetted officers Any proposal to extend the rules in exceptional cases to such officers should be referred to the Government of India for orders

[G I, F D, No F 20 III C S R 25 dated 15th April 1925]

Government of India's order—All officers whether granted study leave in India or whether they apply for it in the United Kingdom, should submit their programmes to the High Commissioner *before* embarking on their course of study

[G I F D No F 20 II C S R 25, dated 17th March 1925]

Audit Ruling—Study leave may be granted to an officer of less than 5 years service at the discretion of the authority competent to grant the leave

[Ruling (33) Sec IV of Compilation of Audit Rulings]

F R 85 (a) [1][Extraordinary leave may be granted in special circumstances (1) when no other leave is by rule admissible, or (2) when, other leave being admissible, the Government servant concerned applies in writing for the grant of extraordinary leave] Such leave is not debited against the leave account No leave salary is admissible during such leave

(b) The authority which has the power to sanction leave may grant extraordinary leave as in clause (a) in combination with, or in continuation of, any leave that is admissible, and may commute retrospectively periods of absence without leave into extraordinary leave

[1][ ] Substituted for the words In special circumstances and when no other leave is by rule admissible, extraordinary leave may be granted with effect the 5th April 1932

(c) When extraordinary leave is granted to a military officer subject to these rules, he will continue to be treated as in civil employ for all purposes until he is placed on military temporary non effective pay by the order of a medical board If, after being placed on military temporary non effective pay, he returns to duty in India, he will have no claim to reinstatement in civil employ.

[For Administrative Instructions issued by the Governor General in Council regarding "casual leave" see Part V (2) of Appendix 3]

Government of India s decision —The power of ~~counting~~ commuting retrospectively periods of absence without leave into extraordinary leave under F R 85 (b) ...

No. 213

Page 233, Section III, F. R 85—

Read "commuting" *for* "counting" occurring in line 1 of the Government of India's decision below this Rule

(No 213, dated the 28th July 1937)

Audit Instructions—

(1) Extraordinary leave without pay granted under the rules of the Civil Service Regulations will not also be debited against the leave account under note (2) to Fundamental Rule 78

[Para 22, Chap X, Sec I of Manual of Audit Instructions (1926)]

(2) 'Leave not due' applied for by a Government servant with or without medical certificate is leave admissible under rule and in cases where leave not due' can be granted the grant of extraordinary leave under Fundamental Rule 85 will be irregular unless the latter kind of leave is specifically applied for in writing

[Para 22 A Chap X Sec I of Manual of Audit Instructions (1926)]

Auditor General s decision —Extraordinary leave may be granted

No 92.

Page 233, Section III, F. R 86—

Substitute the words "date of Compulsory retirement" *for* the words "date on which he must compulsorily retire" occurring in lines 2 and 3 of Clause (*a*) of this Rule

(This amendment takes effect from the 31st March 1936)

[G I, F D, Notification No F 7 (3) R I /36, dated the 23rd April 1936]

(No 92, dated the 25th May 1936)

public service then the Government servant may be granted, after the date of retirement, the amount of leave so refused subject to a maximum of 6 months

[1]This revised rule has effect from the 23rd April 1929

in Appendix No 9 It has also been decided by the Secretary of State that extraordinary leave may be taken in conjunction with study leave without regard to the maximum prescribed in Rule 2 of the Study Leave Rules

[G I, F D, Res No F 20 (2) C S. R 25, dated 4th February 1925]

Government of India's decisions—

(1) The Government of India have decided that the cost of the allowance paid to a Government servant during study leave shall be debited to the Government under which he is employed when the study leave is granted

[G I, F D, No 47 C S R, dated 12th July 1924]

(2) The Governor General in Council has decided that, so far as Government servants under his administrative control or serving in a Chief Commissioner's province are concerned it is not intended that the Study Leave Rules should be applied ordinarily in the cases of non gazetted officers Any proposal to extend the rules in exceptional cases to such officers should be referred to the Government of India for orders

[G I, F D, No F 20 III C S R 25, dated 15th April 1925]

Government of India's Order—All officers whether granted study leave in India or whether they apply for it in the United Kingdom, should submit their programmes to the High Commissioner *before* embarking on their course of study

[G I F D No F 20-II C S R 25, dated 17th March 1925]

Audit Ruling—Study leave may be granted to an officer of less than 5 years service at the discretion of the authority competent to grant the leave

[Ruling (33) Sec IV of Compilation of Audit Rulings]

F R 85 (a) [1][Extraordinary leave may be granted in special circumstances (1) when no other leave is by rule admissible, or (2) when, other leave being admissible, the Government servant concerned applies in writing for the grant of extraordinary leave] Such leave is not debited against the leave account No leave salary is admissible during such leave

(b) The authority which has the power to sanction leave may grant extraordinary leave as in clause (a) in combination with, or in continuation of, any leave that is admissible, and may commute retrospectively periods of absence without leave into extraordinary leave

[1][ ] Substituted for the words "In special circumstances and when no other leave is by rule admissible, extraordinary leave may be granted" with effect from the 5th April 1932.

(c) When extraordinary leave is granted to a military officer subject to these rules, he will continue to be treated as in civil employ for all purposes until he is placed on military temporary non effective pay by the order of a medical board. If, after being placed on military temporary non-effective pay, he returns to duty in India, he will have no claim to reinstatement in civil employ.

[For Administrative Instructions issued by the Governor General in Council regarding ***"casual leave"*** *see Part V (2) of Appendix 3]*

Government of India's decision —The power of ~~counting~~ commuting retrospectively periods of absence without leave into extraordinary leave under F. R. 85 (b) ...

No. 213

Page 233, Section III, F. R 85—

Read "commuting" *for* "counting" occurring in line 1 of the Government of India's decision below this Rule

(No 213, dated the 28th July 1937)

Audit Instructions—

(1) Extraordinary leave without pay granted under the rules of the Civil Service Regulations will not also be debited against the leave account under note (2) to Fundamental Rule 78

[Para 22, Chap X, Sec I of Manual of Audit Instructions (1926)]

(2) 'Leave not due' applied for by a Government servant with or without medical certificate is 'leave admissible under rule' and in cases where 'leave not due' can be granted the grant of extraordinary leave under *Fundamental Rule 85 will be irregular unless the latter* kind of leave is specifically applied for in writing

[Para 22 A Chap X Sec I of Manual of Audit Instructions (1926)]

Auditor General's decision —Extraordinary leave may be granted ...

No 92,

Page 233, Section III, F. R. 86—

Substitute the words "**date of Compulsory retirement**" *for* the words "**date on which he must compulsorily retire**" occurring in lines 2 and 3 of Clause *(a)* of this Rule

(This amendment takes effect from the 31st March 1936)

[G I, F D, Notification No. F. 7 (3) R I /36, dated the 23rd April 1936]

(No 92, dated the 25th May 1936)

public service, then the Government servant may be granted, after the date of retirement, the amount of leave so refused subject to a maximum of 6 months.

[1] This revised rule has effect from the 23rd April 1929

(b) A Government servant retained in service after the date of compulsory retirement shall earn leave on average pay at the rate of $\frac{1}{11}$th of duty performed after that date and shall be allowed to add thereto any amount of leave which could have been granted to him under clause (a) had he retired on that date. The total period which he may take on each occasion shall not exceed six months. If the Government servant has during the period of extension—

(1) formally applied for leave due and been refused it, or

(2) ascertained in writing from the sanctioning authority that leave if applied for would not be granted—

in either case the ground of refusal being the requirements of the public service, then the said Government servant may be granted, when his duties finally cease, and preparatory to retirement, the amount of leave so refused up to a maximum of 6 months.

Government of India's orders—This rule does not apply to Assistant Surgeons of the Indian Medical Department in Civil employ

[G I, F D, Endt No F 12 (63) R I /31, dated 27th October 1931]

Government of India's decisions—

(1) The grant of leave under this rule automatically carries with it the extension required and no formal sanction to the extension is necessary

[G I, F D, No 520 C S R, dated 31st May 1922]

(2) A deduction under F R 82 (*b*) on account of vacation enjoyed should also be made in the case of officers whose leave is regulated under F R 86 (*b*)

[G I, F D, U O No 3045 R I, dated 10th January 1935, to A G, C R]

Government of India's ruling.—The date on which a ministerial servant must compulsorily retire is ordinarily the date on which he attains the age of 60 years, but in the case of a ministerial servant who is required to retire between the ages of 55 and 60, the date of compulsory retirement is the date from which he is required to retire It follows from this ruling that the restriction imposed by Fundamental Rule 86 does not operate in the case of a ministerial servant between the ages of 55 and 60 unless an order is passed requiring him to retire

[G I, F D, No F 25 C S R 25, dated 28th Jan 1925 and para 1 of A. I Cir No 24, dated 16th March 1925]

Audit Instruction—A Government servant retained in service after the age of compulsory retirement is entitled to earn leave under clause (*b*) of F R 86 and a debit balance, if any, on the date attained that age should be considered as wiped off

[231, Chap X, S... of Manual of Audit Instructions (1926)]

(b) A Government servant retained in service after the date of compulsory retirement shall earn leave on average pay at the rate of ? th of duty performed after that date and shall be allowed to add thereto any amount of leave which could have been granted to him under clause (a) had he retired on that date The total period which he may take on each occasion shall not exceed six months ~~If the Government servant has during the period of extension—~~

~~(1) formally applied for leave due and been refused it, or~~

~~(2) ascertained in writing from the sanctioning authority that leave if applied for would not be granted—~~

~~in either case the ground of refusal being the requirements of the public service, then the said Government servant may be granted, when his duties finally cease, and preparatory to retirement, the amount of leave so refused up to a maximum of 6 months.~~

Government of India's orders —This rule does not apply to Assistant Surgeons of the Indian Medical Department in Civil employ

No. 545.

234, Section III, Fundamental Rule 86—

Insert the following as item (3) of the "Government of India's decision" under this rule —

"(3) The present war has, among other things, focussed attention upon position *vis a vis* Fundamental Rule 86 of officers compulsorily recalled

No 70

Page 234, Section III, F R 86—

Insert the following as item (2) of "Audit Instructions" under this rule, the existing entry being numbered (1) —

"(2) The period of six months mentioned in F R 86 (*b*) includes any period of vacation with which leave is combined."

[Manual of Audit Instructions (1926), No 296, dated 2nd January 1936]

Slip no 561

[No 70, dated the 18th March 1936]

[G I, F D No F 25-C S R 25 dated 28th Jan 1925 and para 1 of A. I Cir No 24 dated 16th March 1925]

Audit Instruction —(1) A Government servant retained in service after the age of compulsory retirement is entitled to earn leave under clause (b) of F R 86 and a debit balance if any, on the date he attained that age should be considered as wiped off

(2)

[Para 23A Chap X, Sec I of Manual of Audit Instructions (1926)]

) 561

Auditor General's decisions—

(1) The rule in Note 3 to Fundamental Rule 56 does not require that the authority sanctioning leave under Fundamental Rule 86 should necessarily be competent to sanction an extension of service also

[Ar G's No 833-A/K. W 79 22, dated 15th Aug 1923]

(2) The permission given by Fundamental Rule 86 for an officer being granted leave for not more than 6 months beyond the age at which he must compulsorily retire also carries with it the permission for the officer to retain a lien on his post As the officer does not continue on duty but merely draws a leave salary by virtue of a privilege extended to him no formal extension of service is necessary He retains a lien on his post and as such the post cannot be substantively filled till he actually retires from the service

No. 524.

Page 235, Section III, F. R. 86—

Insert the following as item (5) of the Auditor General's decision below this rule .—

"(5) Fundamental Rule 86(*b*), as amended by Correction Slip No 521, dated the 28th December 1940, necessitates a change in the existing method of maintaining the leave account during the period of extended service Under the old rule 86(*b*), the leave admissible to a Government servant who was retained in service after the date of compulsory retirement, whether during the period of extended service or on the expiry of it, *was granted against the total credit of leave due and not separately* against the leave refused under clause (*a*) of the rule and carried over,

[illegible]

period of the extended service and then the leave carried forward which would be free from the restriction of 'application in sufficient time', it has been decided with the concurrence of the Government of India that the leave taken during the period of extension should be debited first against the credit of leave earned during that period, until it is exhausted, and then against any credit of leave refused under Fundamental Rule 86(*a*) and carried forward under Fundamental Rule 86(*b*)"

[Auditor General's letter No 405 A/250 40, dated the 29th November 1940]

[Ar G's No 1 576 A/305-25, dated 1st Aug 1925]

(5) see slip 524

Director General's Instructions—Applications for leave under Fundamental Rule 86 should always be accompanied by a certificate from the controlling officer that the leave was applied for in time and refused owing to exigencies of the public service

[D G P T's No 509 G, dated 15 17th March 1924]

Section V.—*LEAVE-SALARY.*

90+91

F. R. 87. Subject to the conditions in Rules ~~81, 88,~~ 89 ~~and 90~~, Government servant on leave shall, during leave, draw leave-salary as follows:—

(a) If the leave is due, leave-salary equal to average pay, or to half average pay, or to average pay during a portion of the leave and half average pay during the remainder, as he may elect; and

(b) If the leave is not due, leave-salary equal to half average pay.

Provided that when a non-gazetted Government servant who was in service on the 24th day of August 1927 takes leave and—

(i) his pay is less than Rs. 300, or

(ii) the leave taken does not exceed one month.

his average pay for the purpose of this rule may be taken to be the pay which he would draw in the permanent post held substantively by him at the time of taking leave if this pay be more than the average pay.

[1][Provided further that the leave-salary of an inferior Government servant shall not exceed what remains from his pay after providing for the efficient discharge of the duties of the post during his absence, except when, in the resultant officiating arrangements, a Government servant who has no substantive post is given more than half the pay of the post in which he officiates, in which case the excess over half pay granted to him may at the discretion of the authority sanctioning the leave be disregarded in calculating the amount of leave-salary.]

Secretary of State's decision—The Secretary of State in Council has decided that officers who are permitted to retire on proport... pension after enjoying a period of ...

No. 140.

Page 236, Section III, F. R. 87—

...sert the following as "Governor General in Council's Ru... the Secretary of State's decision under this rule:—

"*Governor General in Council's Rule*—In Departments ... where a leave reserve for the inferior establishment exists, proviso to the Fundamental Rule 87 shall not be applicable. ... applies to inferior servants whose leave salary is governed b... and not to those whose leave and leave salary is governed by ... Leave Rules, 1933.

[This rule has been made under rule 44 of the Civil Serv... ...fication, Control and Appeal) Rules and takes effect from the ... 1932.]"

[G. I., F. D. Notification No. F. 7 (40) R. I/36, dated the 27th Au...

(No. 140, dated the 25th Septe...

the 12 complete months immediately preceding the month in which the event occurs which necessitates the calculation of the average pay. The word 'pay' for this purpose should be taken to mean subsistence allowance *plus* task work earnings In calculating the 12 months' average, for the purpose of this rule only the actual period of duty as task work messenger falling within the period of 12 months immediately preceding the date of the officiating or substantive promotion should be taken into account

NOTE.—For the interpretation of the expression 'the 12 complete months immediately preceding', see Audit Instruction (1) under F. R 9 (2)

[G I, F D, No F /152/R I /30, dated 13th November 1930]

(2) Menials paid from contingencies can only get leave without any allowances These orders do not apply to the grant of hospital leave

[G I F D ...

No. 130

Page 237, Section III, F. R 87—

Insert the following as item (4) of the Government of India's orders below this rule —

" (4) For the purpose of calculation of leave salary admissible under the first prov... to Fundamental Rule 87 to Wireless Operators in receipt o... , the *monthly rate* of these allowanc... at daily rates, should be fixed at ...

[F. A., P. & T.'s memo No. E&A 66/36/(1), dated the 13th August 1936]

(No. 130, dated the 25th September 1936)

... regarded as interfering with the discretion entrusted to an authority competent to grant leave to determine whether *leave should or should not be granted*

[Ar G s No 503-A /72 23 dated 26th April 1923]

(2) It was not the intention that a Government servant should be permitted to manipulate different arrangements of leave to his own advantage Fundamental Rule 87 (*a*) provides that Government servant on leave shall during leave, if the leave is due, draw leave salary equal to average pay, or to half average pay, or to average pay during a portion of the leave and half average pay during the remainder, as he may elect The election given by the rule is the election between the three different forms of leave salary mentioned therein and the rule is not intended to give any choice as to the period during which average pay or half average pay can be drawn if the officer elects the third form In that case the intention is that the period on average pay should be taken first and should be succeeded by the period on half average pay

[G I F D, No 604 C S R dated 26th April 1924, to the Government of Bihar and Orissa]

(3) The words "as he may elect" in F R 87 (a) imply election once for all and, therefore, debar a Government servant from claiming commutation of leave as of right The Government of India with the concurrence of the Auditor General have therefore decided that though under the Fundamental Rules the authority which granted leave can (if so disposed) commute it retrospectively into leave of a *different kind yet* a Government servant *does not* possess any right to insist that it should be so commuted

[Ar G s No 755-A /3-5 25, dated 2nd Jan 1926]

(4) For the purpose of the proviso to this rule, it has been decided by the Governor General in Council that —

- (*i*) A Government servant who was only temporary or officiating and was not holding substantively a permanent post *on the 24th August* 1927, has clearly no claim and
- (*ii*) A Government servant who was in permanent Government *service on or before the* 24th August 1927 *and who* was entitled to the privilege under this proviso will retain that privilege if re appointed after resignation or discharge or if re instated after dismissal *provided that* he is allowed to count his past service for leave under Fundamental Rule 65 (*a*) or (*b*)

[G I F D letter No F 31 R I /28 dated 3rd April 1928]

(5) A Government servant who was holding on probation, a permanent post on the 24th August 1927 and had
other post is not entitled to the conc
proviso to *Fundamental Rule 8*
governed by Fundamental Rule ... ment of India's d
I to V of Chapter X of the Fu
Rule 58 ... the revised scal

[G I, F D, No 31 R.] ... drawing the
... be taken to be
(6) ... rate of the abse
Audit Instructions— ... Rule 87"

(1) The term permanent po ... the 10th June
pay which he would draw in th ... 26th August 19
proviso to this rule may be inter
Government servant s lien has ... holds a lien
on no other permanent post

[Para. 25 B, Chap X, Sec I of ... ual of Audit Instructions (1926)]

(2) A Government servant who holds substantively a non gazette permanent post but proceeds on leave from a gazetted post, shoul be regarded as a gazetted officer for the purposes of this rule

[Para. 24 Chap X, Sec I of Manual of Audit Instructions (1926)]

(3) The term "pay" occurring in the expression "the pay which he would draw in the permanent post held substantively by him" contained in the proviso should be interpreted as including "special pay" whether attached to a post or personal to a particular Government servant, since in either case he would draw it in the post which he holds substantively

[Para. 25-L, Chap. X, Sec. I of Manual of Audit Instructions (1926)]

(4) The phrase 'at the time of taking leave' occurring in the proviso to this rule, denotes a point in time and that point is the moment at which leave begins If, therefore a Government servant proceeds on leave with effect from the forenoon of a day on which an increment falls due this increment cannot be taken into account in the calculation of his leave salary. His increment does not begin

No. 687.

Page 239, Section III, F R, 87—

Insert the following as item (6) of Audit Instructions below this Rule —

"(6) *Scope of the first proviso in the case of Government servants proceed on leave either during or at the end of foreign service*

(a) For the purpose of this proviso, the status of a Government serv while on foreign service, i e, gazetted or non gazetted should be determi with reference to the permanent post under Government on which he h a lien or would hold a lien had his lien not been suspended, or, if during absence on foreign service he is given any promotion under F. R 113, w reference to the post under Government to which he is so promoted

(b) In the case of such a Government servant, the term 'his pay' occurr in item (i) of the proviso should be construed to mean what is prescribed un F. R 117 (b) for counting his pay for the purpose of F R 9 (21), i e, t pay drawn in foreign service at the time leave is taken *less*, in the case o Government servant paying his own contribution for leave salary and pensi such part of the pay as may be paid as contribution

(c) The expression 'the pay which he would draw in the permanent p held substantively by him at the time of taking leave' occurring in the prov should, in its application to a Government servant on foreign service, be tak to mean the pay which he would draw in the permanent post under Gove ment on which he holds a lien, or would hold a lien had his lien not been su pended, at the time of taking leave "

[Manual of Audit Instructions (Reprint), No 77 dated the 1st August 1943]

(No 687, dated the 28th July 194

4 months, or 6 months when the excess over 4 months is covered by the temporary war concession, of the leave, on account of an increment falling due in the scale of pay applicable to the post which he holds substantively

[Ar G's letter No 194-A /174 23, dated 2nd March 1924]

(2) An officer who takes after 1st April 1924 leave on average pay for 4 months (or more if covered by the temporary war concession) for the first time after the introduction of the Fundamental Rules and exercises the option of drawing as leave salary the pay

of the post on which he has a lien instead of his average pay without limit may draw during such leave both the leave pay and the sterling overseas pay which he drew while holding the post

[Ar G s letter No 66 A—6-25, dated 28th Jan 1925]

(3) A question was raised as to whether certain classes of non-gazetted officers to whom the grant of special pay is dependent on the definite completion of certain duties (e g, machine operators employed in Postal Audit Offices get special pay if they complete a certain number of items per day for a month) are entitled to have their leave salary calculated on the basis of their pay and special pay It was decided that the leave salary of such officers must be calculated on the basis of the pay and special pay to which they are actually entitled immediately prior to proceeding on leave

[Ar G s letter No 2409 E./112-27, dated 23rd April 1927]

(4) *Terms of reference*—A permanent task work messenger having been appointed to officiate in place of an inferior servant on leave the question was raised as to what should be considered to be

No. 269.

Page 240, Section III, F R 87—

Insert the following as item (5) of the "Auditor General's decisions" below this rule —

Proviso to Fundamental Rule 87

(Ar Genl 's letter No 593 Admn I/196 37, dated the 18th December 1937]

See No 3?b (No 269, dated the 28th January 1938)

As regards the ... point it has been held that both the subsistence allowance and the actual task work earnings of the outsider for the month concerned should be taken into account

[Ar G s letter No T 1504 A /155—30 dated the 4th October 1930]

(5)

F R 88 After continuous absence from duty on leave for a period of 28 months, a Government servant will draw leave salary equal to quarter average pay, subject to the maxima and minima prescribed in rules 89 and 90

[1]NOTE—A member of the Indian Civil Service or a military commissioned officer subject to the special leave rules is entitled to leave salary equal to subsistence grant after this period

Audit Instructions—

(1) The expression continuous absence from duty on leave in this rule does not include absence on extraordinary leave

[Para 26 Chap X Sec. I of Manual of Audit Instructions (1926)]

(2) The period of 28 months mentioned in this rule includes the period of vacation if any, with which leave is combined

[Para 26 Chap X Sec. I of Manual of Audit Instructions (1926)]

(3) See item (5) of Audit Instructions' under F R 81

[1]This amended note has effect from the 28th February 1928.

F. R. 89 [1](1) During the first four months of any period of leave on average pay, leave-salary is subject to an absolute maximum of Rs 4,000 per mensem, but this provision shall not apply to any Government servant, not being a member of the Indian Civil Service who held on the 28th September 1927, a post to which a salary is attached exceeding Rs. 4,000 a month, or to the person who at that date held the office of Auditor General.

(2) Except during the first four months of any period of leave on average pay, leave salary is subject to the monthly maxima shown in the following table:—

—	Average.		Half Average.		Quarter Average.	
	Outside Asia.	In Asia.	Outside Asia	In Asia	Outside Asia.	In Asia
	£	Rs.	£	Rs.	£	Rs.
Indian Civil Service and military commissioned officers subject to the special leave rules.	222	2,222	111	1,111		
Other Government servants subject to the special leave rules.	200	2,000	100	1,000	60	600
Government servants subject to the ordinary leave rules	150	1,500	75	750	60	600

NOTE 1.—The maximum of average pay does not apply in the case of a Government servant who is entitled, under orders previously in force, to privilege leave for more than four months, during a period equal to that for which he is entitled to privilege leave.

NOTE 2.—The maximum of average pay does not apply to a Government servant serving in a vacation department during a period of leave on average pay equivalent to one month for [illegible] year since his last leave during which he has not availed himself of the vacation, and to a proportionate fraction of a month during which he has taken a part only of the vacation provided that in the case of a Government servant who is transferred with leave to his credit from a non-vacation to a vacation department the local Government shall decide, on the first occasion on which he takes leave after such transfer, the period not exceeding four months for which the maximum limit of leave salary shall not be applied to him.

1 The sub-rule (1) was introduced with effect from the 28th September 1927

No. 432.

Page 244, Section III, F R 91—

F. *Insert* the following clause after clause (*b*) of the proviso to sub rule (2) of this Rule —

(C) in the case of an attachment order having been issued by a court in India in accordance with Rule 48, Order XXI, First Schedule, Code of Civil Procedure, 1908 (Act V of 1908), that part of leave salary which is attached shall be remitted to the court in rupees by the accounts authority in India notwithstanding that the leave salary is due in respect of leave spent out of Asia. The balance of such leave salary shall be drawn in sterling in accordance with the Rules in this Section, except that the maximum and minimum rates of leave salary prescribed in Rules 89 and 90 shall be reduced by the amount specified in the attachment order, converted into sterling at the rate of exchange prescribed by the Secretary of State under sub-rule (5) of this Rule.

(This amendment takes effect from the 20th February 1939)

[Government of India, Finance Department Notification No F 7(73) R I /39, dated the 28th November 1939]

(No 432, dated the 1st January 1940)

"Note —For the purpose of this rule Cyprus shall be regarded as outside Asia"

(This amendment takes effect from the 13th July 1937)

[illegible] (42) R I/37, dated the 12th August 1937]

(No 231, dated the 28th September 1937)

Page 244, Section III, F R 91—

Substitute the following *for* the existing Clause (*a*) of the proviso to sub rule (2) of this Rule —

" (a) in the case of leave on average pay not exceeding four months, or of the first four months of such leave if it exceeds four months, leave salary due in respect of an initial period of such leave spent in Asia may, if the Officer proceeds out of Asia during the currency of such leave, or within one month of

No 252.

Page 244, Section III, F R 91—

Substitute the following for sub rule (3) of this Rule —

" (3) Leave salary drawn in rupees shall be drawn in India, or in the case of a Government servant who spends his leave in Ceylon, Burma or Aden, in Ceylon, Burma or Aden, as the case may be."

(This amendment takes effect from the 8th October 1937)

[G I, F D, Resolution No F 7 (40) R I/37, dated the 18th November 1937]

(No 252, dated the 23rd December 1937)

for the purpose provided that the officer spends his leave in the Dominion or Colony in which he has elected to draw his leave salary, but if leave salary due in respect of any portion of leave out of Asia and payable to the Government servant in sterling remains undrawn

1 This revised rule was introduced with effect from the 17th March 1925

2[ ] Inserted with effect from the 19th February 1935

3 This amended sub-rule has effect from the 21st December 1926

for no fault on his part, the Governor General in Council may authorise the undrawn amount to be paid in India at such rate of ... [illegible]
No. 392

Page 245 Section III, F R 91—

Add the following sub clause to this Rule —

"(6) Any leave salary drawn outside India shall be subject to deduction of Indian income-tax and super-tax at the rate which would have been applicable *if that leave salary had been drawn in India.*"

(This amendment takes effect from the 1st April 1939)

[G I., F D., Notification No F 7 (14) R I 39 dated the 18th May, 1939]

(No 392 dated the 1st July 1939)

Government of India's orders—

(1) *For the purpose of clause (4) of this rule*, it has been decided that if leave salary due in respect of any portion of leave out of Asia and payable to a Government servant in sterling remains undrawn through the late arrival of a steamer, it may be held to be non drawal through no fault of the Government servant concerned and the drawal in India permitted in such cases as a matter of course

[G I F D letter No F 50 R I /28, dated 28th March 1928]

(2) Under F R 91 (2) (*b*) read with F R 92, it has been decided that a Government servant who spends not more than one month of his leave in Asia prior to embarkation is entitled to draw leave salary in respect of the entire period of his leave at the privileged rates and subject to the sterling minima prescribed in F R 90

[Ar G s letter No 185 A /126 23 dated 13th June 1928]

(3) The amount of compensatory allowances to be drawn during leave can seldom be settled at the beginning of leave as it depends largely not on anticipated expenditure but on proved expenditure It would therefore, be generally impossible to include in the original leave salary certificate the exact amount of allowances to be drawn during leave For these reasons it has been decided that compensatory allowances during the first four months of leave should not be paid at the Home Treasury except in cases in which such *allowances are from the start included in the calculation of* average pay An officer who wishes to draw his compensatory allowances before he returns from leave in England may leave signed *blank bills endorsed to his banker* to be presented in due course and passed for payment into his account

(*Vide* Audit Instruction under S R 6 *et seq*)

[Ar G s letter No 77 A /240—30, dated 13th March 1931]

Page 244, Section III, F R. 91—

F. *Insert* the following clause after clause (*b*) of the proviso to sub rule (2) of this Rule —

(C) in the case of an attachment order having been issued by a court in India in accordance with Rule 48, Order XXI, First Schedule, Code of Civil Procedure, 1908 (Act V of 1908), that part of leave salary which is attached shall be remitted to the court in rupees by the accounts authority in India notwithstanding that the leave salary is due in respect of leave spent out of Asia The balance of such leave salary shall be drawn in sterling in accordance with the Rules in this Section, except that the maximum and minimum rates of leave salary prescribed in Rules 89 and 90 shall be reduced

order, converted

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[G I F D letter No F 50-R I /28, dated 28th March 1928]

(2) Under F R 91 (2) (*b*) read with F R 92, it has been decided that a Government servant who spends not more than one month of his leave in Asia prior to embarkation is entitled to draw leave salary in respect of the entire period of his leave at the privileged rates and subject to the sterling minima prescribed in F R 90

[Ar G s letter No 185 A /126 28, dated 13th June 1928.]

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[Ar G's letter No 77 A /240—30, dated 13th March 1931]

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(This amendment takes effect from the 20th February 1939)

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(This amendment takes effect from the 8th October 1937)

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(No 252, dated the 23rd December 1937)

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[G I F D letter No F 50 R I /28, dated 28th March 1928]

(2) Under F R 91 (2) (*b*) read with F R 92, it has been decided that a Government servant who spends not more than one month of his leave in Asia prior to embarkation is entitled to draw leave salary in respect of the entire period of his leave at the privileged rates and subject to the sterling minima prescribed in F R 90

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(*Vide* Audit Instruction under S R 6 *et seq*)

[Ar G s letter No 77 A /240—30, dated 13th March 1931]

I to V are not applicable to Government servants paid from Military Estimates who are temporarily transferred to service paid from Civil Estimates (including service in a tenure post). Such Government servants remain subject to the Rules which applied to them before their transfer.

F. R. 95. Subject to any exceptions and modifications which the Secretary of State in Council may by rule prescribe, the special leave rules in sections I to V of this chapter apply to Chaplains of the Church of England and Church of Scotland on the Bengal, Madras and Bombay Ecclesiastical Establishments, including the Bishops of Lahore, Rangoon, Lucknow and Nagpur.

F. R. 96. The only form of leave which may be granted to a Lieutenant-Governor, whether substantive or officiating, is leave on medical certificate for not more than six months. On resuming his duties after such leave, he may receive leave-salary equal to half his pay for the period of absence. If he does not resume his duties, he may draw the leave salary to which he would have been entitled under rule 97 had he vacated his post before taking leave.

[1]F. R 97. (1) When a Government servant, who has held the office of Governor, Lieutenant-Governor, or member of the Executive Council of the Governor General, or of a Governor or Lieutenant-Governor, takes leave after vacating such office, there shall be credited in his leave account a period equivalent to the leave which would have been earned under the rules in sections I to V, if the duty rendered as Governor, Lieutenant-Governor, or member had been rendered, in one of the posts to which these rules apply, and any leave which he has taken during his tenure of office shall be debited to his leave account in the same way as if he had taken leave on half average pay under these rules. His leave-salary will be subject to the maxima laid down in Rule 89.

[2](2) When a Government servant holding substantively any of the offices referred to in sub-rule (1) of this Rule or the post of Chief Engineer of the Public Works Department takes leave immediately on vacating his office or post, he shall during the leave be left without a lien on any permanent post.

F. R 98. The following provisions apply to such holders of the posts enumerated below as are not members of the Indian Civil Service [3][subject to the special leave rules under Rule 75] —

(1) Judges of a Chief Court.

(2) Chief Judges of Small Cause Courts of Presidency towns and of Rangoon.

(3) The Secretary to the Government of India in the Legislative Department.

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[1]This revised rule was introduced with effect from the 28th September 1927

[2]This revised sub-rule has effect from the 29th May 1934

[3][ ] The qualifying clause—subject to the special leave rules under Rule 75—was introduced with effect from the 23rd November 1926,

(4) A Judicial Commissioner or Additional Judicial Commissioner of the Central Provinces.

(5) The Administrator-General, and Official Trustee in Bengal, Madras or Bombay.

(6) The Administrator-General, Official Trustee, Official Assignee and Official Receiver in Burma.

(7) An Additional Judicial Commissioner of Sind or of the North-West Frontier Province.

Such Government servants are entitled to leave on the terms which apply to Judges of High Courts by rules made under Section 104 of the Act, subject, however, to the following modifications, namely.—

(a) their leave salary shall not exceed, while on ordinary furlough or on subsidiary leave, half average pay, and while on furlough on full allowance, average pay; and

(b) the holders of posts which have not been declared by the Local Government under Rule 82 (a) to belong to a vacation department are entitled in lieu of the leave

No. 62

Page 249, Section III, F R 93—

Substitute the words "two-elevenths" *for* the words "one-eleventh" occurring in clause (*b*) of this Rule (last two lines).

[This amendment has been made under rule 33 (2) of the C. S. (C. C. A) Rules with effect from the 22nd October 1935]

[G. I., F, D , Notfn. No. F -7 (51)-R, I/35, dated 12th December 1935]

[No. 62, dated the 18th March 1936]

An Official Trustee or Assignee

A Receiver of a High Court

An officer of a High Court holding a post which by law can be held by a barrister only

A Secretary or Assistant Secretary in the Legislative Department of a local Government.

A Remembrancer, Deputy Remembrancer or Assistant Remembrancer of Legal Affairs.

A Government Advocate or Assistant Government Advocate

A Clerk of the Crown.

A Government Solicitor.

F R 100 The following provisions apply to military officers in civil employ who remain subject to military leave rules (other than military officers serving with such Frontier Irregular Corps as may

be specified in this behalf by the Governor General in Council) [1][and to non-commissioned officers in civil employ]:—

(a) A Local Government may grant to such an officer leave of the following kinds:—

[2](i) Leave on average pay for four months at a time, not exceeding, in all, the privilege leave which it would be permissible to grant to him under the rules applicable to his case on the date on which he became subject to this Rule, *plus* $\frac{1}{11}$th of the duty performed by him from the beginning of the calendar year following that in which he became subject to this Rule:

Provided that, if privilege leave under military rules is not admissible in respect of the calendar year of transfer because the officer has not actually performed duty in the Military Department during that year, duty counting for leave on average pay shall commence on the date on which he becomes subject to this Rule:

Provided further that, in the case of an officer who became subject to this Rule before the 4th of December 1928 and who took privilege leave under military rules ending during the first six months of the calendar year in which he became subject to this Rule, duty counting for leave on average pay shall begin from a date six months after the end of such privilege leave but so that in no case shall duty performed before the date on which he became subject to this Rule count.

Provided further that in the case of an officer serving in a vacation department the provisions of Rule 82 shall apply, *mutatis mutandis* to the calculation and grant of leave under sub-clause (i) above.

(ii) any leave, other than privilege leave, admissible under military rules, either alone or in combination with leave on average pay.

NOTE.—In the case of a Government servant who is entitled, under orders previously in force, to privilege leave for more than four months, the number of months to be taken at one time as prescribed in sub-clause (i) above may be increased, on the first occasion when leave is taken under these rules, by the number of months by which the amount of privilege leave due exceeds four months.

(b) The total period of leave should be regulated by the limits in force under the military rules to which the officer is subject.

[1][ ] The words—and to non commissioned officers in civil employ—were introduced with effect from the 1st December 1925.

[2] This revised sub clause has effect from the 4th December 1928.

(c) Leave may be retrospectively commuted by the authority which granted it into any other kind of leave which was admissible to the officer concerned at the time when it was granted.

Provided that, except in the case of an officer holding substantively a [1][tenure post], no leave under sub-clause (ii) of clause (a) of this rule may be granted to an officer unless the local Government is prepared to re-employ him immediately upon the termination of the leave.

Provided also that in the case of an officer holding substantively a [1][tenure post], leave under sub-clause (i) of clause (a) may be granted so as to extend beyond the expiry of such term if the leave has been applied for in sufficient time before the expiry of the fixed term and refused owing to the exigencies of the public service.

Government of India's decisions—

(1) The Government of India have had under consideration the question whether military officers with special war leave at their credit under Army Instruction, India, No 106 of 1920, who are appointed substantively to the civil department, should be permitted to carry forward such leave when they enter civil employment. They have decided that such leave may, on their coming *under the provisions of the Fundamental Rules, be credited to* their leave account on condition that it is taken before 31st December 1922. Officers who have taken leave after 1st January 1921 may substitute for portion of it any special war leave which may become admissible to them as the result of these orders.

The Government of India have further decided with reference to Fundamental Rule 100, that military officers in civil employ who remain subject to military leave rules and who have earned privilege leave in excess of 4 months as a temporary war concession may be granted the concession strictly in accordance with the *terms of Army Instructions, India, No 106 of 1920*

[G I F D letter No 1174 C S R dated 16th October 1922.]

(2) Leave on *average pay extending beyond the term of civil* appointment is not admissible to military officers holding civil appointments of limited tenure even though the military authorities may agree to the grant of leave

[G I F D letter No F 314 C S R 26, dated 11th October 1926.]

(3) F R 100 as amended by Government of India, Finance Department, Notification No F/136 F R I/28, dated 8th January 1929 *i e* the sub clause (*i*) of clause (*a*), should regulate the leave taken on or after the 4th December 1928 by all military officers subject to this rule irrespective of the date of their transfer to the

[1] [ ] The words 'tenure post' were substituted for the words 'permanent post for a fixed term' with effect from the 18th March 1930

Civil Department The words 'An Offic
ed by the rules in force at the time th
in sub paragraph 2 of Article 4 of the Ci
to the officer's 'claim to leave', which in
the method of calculation, the admissil
grant The leave account must be revised
the method of calculation is amended, an
according to the amended leave account

[Ar G's letter No T 253 A./70 29, dated 7th May 1929]

Audit Instructions—

(1) In reckoning service for the purpose of calculating leave to military officers in temporary civil employ, a period of six months should be excluded after the expiry of the privilege leave mentioned in Fundamental Rule 100 (*a*) (*i*) whether this is taken by itself or combined with other leave

[Para 38, Chap X, Sec I of Manual of Audit Instructions (1926)]

(2) In the case of a military officer to whom privilege leave was granted under the military rules in respect of a particular official year instead of a calendar year, service for leave under the civil rules should reckon from the first day of the next official year

[Para 38 A, Chap X, Sec I of Manual of Audit Instructions (1926)]

[1]F. R. 100A. Unless the Secretary of State in Council in any case otherwise directs, the following provisions apply to Government servants placed on deputation out of India under conditions, declared by the Governor General in Council to be *quasi*-European, if the period of the deputation exceeds one year:—

(a) The period of deputation shall not count as duty for the purposes of this Chapter.

[2](b) The amount of leave which can be earned by the deputation shall be determined by the Secretary of State in Council. Such leave can only be taken during the period of deputation and will not be credited or debited in the Government servant's leave account.

(c) Leave salary during such leave shall be equal to the rate of deputation pay.

Provided that where a deputation originally sanctioned for one year or less is subsequently extended so that the total period exceeds one year these provisions shall apply in respect of the period in excess of one year.

100-B See Slip 495

[1] This new rule was introduced with effect from the 20th October 1926

[2] This revised clause has effect from the 24th May 1927

F. R. 101. A local Government may make rules regulating the grant to Government servants under its control of—

(a) maternity leave to female Government servants; and

(b) leave on account of ill-health to members of subordinate services specified in such rules whose duties expose them to special risk of accident or illness.

Such leave is not debited against the leave account.

[For rules made by the Governor General in Council under Fundamental Rule 101 in his capacity as a local Government, see Supplementary Rules 267 to 273.]

F. R. 102. A local Government may make rules regulating the grant of leave on account of ill-health to officers and seamen of Government vessels. Such leave is not debited against the leave account.

[For rules made by the Governor General in Council under Fundamental Rule 102 in his capacity as a local Government, see Supplementary Rules 274 and 275.]

F. R. 103. A local Government may make rules regulating the leave which may be earned by—

(a) temporary and officiating service,

(b) service which is not continuous; and

(c) part-time service, or service which is remunerated wholly or partially by the payment of [1][honoraria] or daily wages;

provided that such rules shall not grant more favourable terms than would be admissible if the service were substantive, permanent and continuous.

[For model terms regulating the grant of leave to Government officials employed on contract, as finally approved by the Secretary of State in Council, see App. 10.]

[For rules made by the Governor General in Council under Fundamental Rule 103 in his capacity as a local Government, see ... Rules 281 to 290.]

orders.—The Governor General in Coun- ... Rule 103 enables him to make ... the conditions under ... Military Department ... count for ... Rule

200

[Ar ...

[1][ ] Substituted for the wor...

No. 768.

Page 252, Section III, F. R. 100—

Insert the following as item No. (1) of *Government* of India's decision below this rule :—

"(1) Section [illegible] of Government of India's decision below Fundamental Rule 100 in Section II, as inserted by correction slip No. 765, dated the 25th August 1944."

(No. 768, dated the 28th August 1944.)

[Ar. G.'s letter No. T. 253 A./70-29, dated 7th May 1929.]

Audit Instructions—

(1) In reckoning service for the purpose of calculating leave to military officers in temporary civil employ, a period of six months should be excluded after the expiry of the privilege leave mentioned in Fundamental Rule 100 (a) (i) whether this is taken by itself or

No. 495.

Page 252, Section III, F. R. 100-B—

Insert the following new Rule below F. R. 100-A :—

"F. R. 100-B.—The following provisions apply to military [illegible] officers in civil employment who [illegible]

No. 523.

II, categor[illegible]

(1) [illegible]

No. 552.

Page 252, Section III, Fundamental Rule 100 B—

Delete the Government of India's decision below this Rule, as inserted by correction slip No. 523, dated the 31st January 1941.

[This amendment takes effect from the 27th March 1941.]

(No. 554, dated the 28th April 1941.)

P[illegible] [illegible] and the leave accounts revised accordingly. It has [illegible] with the Auditor General of India, that if in the [illegible] the Central Government any overpayment of [illegible] to have been made as a result of the readjustment [illegible] should be enforced from the officers concerned.

(2) [illegible]

(3) [illegible] F. 7(31) R.I./39, dated 19th December 1940.]

(No. 523, dated the 31st January 1941.)

[illegible] half average pay [illegible] of the leave and half averag[illegible] [illegible]under, the leave on average pay bei[illegible] [illegible] twice the amount actually taken.

(4) Any privilege leave admissible to an officer under Military Rul[illegible] on the date of his transfer to civil employment may be tak[illegible] in addition to leave earned under this rule but shall count twice that amount of leave on half average pay for the purp[illegible] of clause (2) of this Rule.

(5) Leave on medical certificate on half average pay, and extraord[illegible] [illegible] without pay on medical certificate or on urge[illegible] [illegible] to a maximum of three montl[illegible] [illegible] clause (2)

Chapter XI.—Joining Time.

F R 105 Joining time may be granted to a Government servant to enable him—

(a) to join a new post to which he is appointed while on duty in his old post; or

(b) to join a new post,—

(i) on return from leave on average pay of not more than four months' duration, or

(ii) when he has not had sufficient notice of his appointment to the new post on return from leave other than that spe fied in sub clause (i), or

(c) to tra el from the port of debarkation ' or, in the case of

No 79.

Page 255, Section III, F. R. 105—

Substitute the following *for* Clause (*d*) of this Rule —

"(d) (i) to proceed from a specified station to join a post in a place in a remote locality which is not easy of access

(ii) to proceed on relinquishing charge of a post in a place in a remote locality which is not easy of access to a specified station."

(This amendment takes effect from the 29th January 1936.)

[G. I. ...] No. 445.

Pages 255 56, Section III—Fundamental Rule 105—

Substitute the following for item (2) of the Government of India's ...isions below this rule —

No. 773.

Pe 256, Section III, F. R. 105—

Insert the following as item (4) of the Government of India's decisions below this rule—

(4) It has been decided that joining time and joining time pay should ... Govement on the results of a competitive examination which is open to b... Govement servants and others —

(a) joining time should ordinarily be permitted for all Government serva... servin under the Central Government and for Provincial Government servants ... hold permanent posts in a substantive capacity and that,

(*b*) no joining time pay should be granted except,

(i) when the Government servant holds a permanent post under Governm... (includin a Provincial Government) in a substantive capacity, or (ii) in the case ... appointments through the Home Department to the ministerial establishment of ... Government of India Secretariat and attached or subordinate offices when a candid... originally nominated to a vacancy likely to become permanent is renominated ... another such vacancy owing to the cessation of the former

Travelling allowance under Supplementary Rule 114, should also be granted ... cases where joining time pay is granted under clause (*b*) above

[Government of India Finance Department endorsement No. F. 3 (4) R II/41, dated the 27th May 1... (N... ed the 28th Aug... ...ated the ... the Accountant Genera... Revenues' letter No ... 50/6402, dated the 28th March 1941.]

(No ... 28th April 19...

joined the new post at Delhi on 1st December 1922. It was decided by the Auditor General, with the concurrence of the Government of India, that under F. R. 105 (a), joining time is admissible in this case.

[Ar. G.'s No. 460 A./93-24, dated 10th July 1924.]

Audit Instructions—

(1) If a Government servant is authorized to make over charge of an office elsewhere than at its headquarters, any joining time to which he may be entitled shall be reckoned from the place at which he actually makes over charge.

[Para. 1, Chap. XI, Sec. I of Manual of Audit Instructions (1926).]

(2) The intention of sub-clause (i) of Fundamental Rule 105 (b) is that joining time should be allowed to those Government servants who are granted privilege leave or leave on average pay for not more than four months, or those who are granted privilege leave up to a maximum of six months under the special war concession, and who are transferred to a new station on the termination of such leave.

[Para. 5, Chap. XI, Sec. I of Manual of Audit Instructions (1926).]

(3) If vacation is combined with leave, joining time should be regulated under clause (b) (i) of Fundamental Rule 105 if the total period of leave and vacation combined is of not more than four months' duration and under clause (c) if the leave out of India and vacation combined is more than four months.

[Para. 3, Chap. XI, Sec. I of Manual of Audit Instructions (1926).]

(4) In the case of a Government servant who is appointed while on leave on average pay of not more than four months' duration to a post other than that from which he took leave the full joining time calculated under Supplementary Rule 300 is admissible irrespective of the date on which the orders of transfers were received by the Government servant concerned. Should the Government servant join his new appointment before the expiry of such leave plus the joining time admissible, the period short taken should be considered as leave not enjoyed and a corresponding portion of the leave sanctioned should be cancelled without any reference to the authority which granted the leave. If in any case the Government servant desires not to avail himself of the full period of joining time admissible, the periods of leave and joining time should be adjusted with reference to such option.

[Para. 4, Chap. XI, Sec. I of Manual of Audit Instructions (1926).]

(5) Joining time under clause (c) of this rule is reckoned from the date of debarkation at an Indian Port. Colombo is not regarded as an Indian Port for this purpose.

[Para. 5A, Chap. XI, Sec. I of Manual of Audit Instructions (1926).]

(6) Joining time under clause (c) of this rule is admissible to a Government servant for organising his domestic establishment even if he does not make any journey from the port of debarkation

No. 605.

Page 257, Section III, Fundamental Rule 105—*Insert* the following item (9) of "Audit Instructions" below this Rule —

"(9) Joini
in civil emplo
in civil employ
paragraph 597
and 14 of the
respectively re
and travelling allowance to Military Officers in civil employ not only on occasions of their transfer to the civil employ and retransfer to military emp but also when they are actually serving in civil employ For the purposes these rules, privilege leave under the military leave rules should be treated leave on average pay *of not more than four months' duration*"

[Correction No 66 to the Manual of Audit Instructions (Reprint)]

from the port of debarkation No. 393 (No 605, dated the 28th May 1942)

ule —

military
under
military joining

a c o is of course to be gov erned by the Army Regulations in the matter of joining time but under the last

is transferred It is by virtue of the rule Regulations that the Civil joining time rules and there is nothing in Fundamental Rule 3 to prevent this result The Auditor General has therefore decided with the concurrence of the Government of India that joining time and joining time pay under the civil rules are admissible in such cases and that the joining time pay is chargeable to civil estimates

[Auditor General s letter No T 954 A/1-3 38 dated the 27th May 1939]

(No 393 dated the 1st July 1939)

and specifying the places and stations to which clause (d) of that rule shall apply Such rules should be framed with due regard to the time required for actual transit and for the organization of domestic establishment

[*For rules made by the Governor General in Council under Fundamental Rule 106 in his capacity as a Local Government* — *Supplementary Rules 293 to 306* 1]

F. R. 107. A Government servant on joining time shall be regarded as on duty and shall be entitled to be paid as follows.—

(a) If on joining time under clause (a) of rule 105, he is entitled to the pay which he [1][would have drawn if he had not been transferred], or the pay which he will draw on taking charge of his new post, whichever is less

[See Audit Instructions under F R 20]

(b) If on joining time under clause (b) or (c) of rule 105 he is entitled—

(i) when returning from extraordinary leave, other than extraordinary leave not exceeding fourteen days granted in continuation of other leave, if a member of the Indian Civil Service or a military commissioned officer subject to the civil leave rules, to subsistence grant, otherwise, to no payments at all;

(ii) when returning from leave of any other kinds, to the leave salary which he last drew on leave at the rate *prescribed* for the *payment* of leave salary in India.

Provided that the amount of half average pay to be drawn during joining time by a member of the Indian Civil Service or a military commissioned officer subject to the civil leave rules returning from leave on half average pay shall be calculated without regard to the limits prescribed in rule 89.

NOTE 1—A military officer subject to the military leave rules who retains a lien on his civil post is entitled, on joining time under sub-clause (ii) above, to draw the same amount of leave salary which he would have drawn had he taken leave under civil leave rules, provided that such leave-salary shall not be less than that which he actually drew during the last portion of his leave

(c) If on joining time under clause (d) of rule 105, he is entitled to pay as though he were on duty in his post.

NOTE 2—A ministerial servant on transfer is not entitled to be paid while on joining time unless his transfer is made in the public interests [2][* * *]

Government of India's decision—The Governor General in Council has decided that the words "if he had not been transferred" in clause (*a*) of Fundamental Rule 107 should be interpreted as if they read "if he had continued in the old post" These words were substituted for the words "drew prior to relinquishing charge of his old post" with a view to enable a Government servant to draw the benefit of any increment which he would have drawn if he had not

[1][ ] The words "would have drawn if he had not been transferred" have been substituted for the words "drew prior to relinquishing charge of his old post" with effect from the 11th September 1929

[2][ ] Deleted by G I, F D Resn No F II(28) R I /33 dated 1st February 1934 under Rules 37 and 44 (*d*) of the Civil Services (Classification, Control and Appeal) Rules

No. 192

Page 259, Section III, F. R 107—

Insert the following as item (2) of the Government of India's decision below this rule, numbering the existing Government of India's decision as item (1) — 5/1

"*Government of Ind*... Council h...

No. 774.

Page 259, Section III—F R 107—

Insert the following as item (3) of the Government of India's decision below this rule —

"(3) See item (1) of the Government of India's decisions below Fundamental Rule 105, as inserted by correction slip No 773, dated the 28th August 1944

(No 774, dated the 28th August 1944)

... can be completed The ... Government servant will be considered as on duty if the period taken in carrying out these inspections is not considered by the Superintending Engineer to be excessive While so taking over charge, the relieving Government servant will draw—

(i) if he is transferred from a post which he holds substantively his presumptive pay in that post,

(ii) if he is transferred from a post which he has held in an officiating capacity the officiating pay admissible in that post provided it is not more than the pay he would draw after the transfer is complete, otherwise, his presumptive pay in the permanent post on which he had a lien prior to transfer,

(iii) if he returns from leave, his presumptive pay in the post on which the Government servant retained a lien during the leave

NOTE 1 —The power vested in the Superintending Engineer under the above Audit Instruction has been delegated to all officers whether permanent or officiating in charge of Canal Division in the United Provinces in respect of lower subordinates ... Service in the

No. 448

Page 259, Section III, Fundamental Rule 107— See slip 604

Insert the f...

No. 604.

(No. 604, dated the ...th May 19...)

[Manual of Audit Instructions (Reprint) No 47, dated the 1st Feb...

(No 448, dated the 28th Feb...

(1) A military commissioned officer subject to the civil leave rules is entitled during joining time under clauses (b) and (c) of Fundamental Rule 105, *to leave salary* at the rate prescribed for payment of leave salary in India subject to the Military minimum.

for leave spent in India, vide Note 2 *read with* Note 1 *under* Fundamental Rule 90, *i e*, at the rates in paragraph 65 (*iv*) of the Pay and Allowance Regulations for the Army in India, Part II.

[C C A's letter No T 649 A./93 31, dated 18th July 1931]

(2) A question arose whether during the period occupied in handing over and taking over charge under the above Audit Instruction both the relieved and relieving officers are entitled to free quarters or house rent allowance in lieu thereof It has been decided by the Auditor General, in consultation with the Government of India, that the concession of house rent allowance or free quarters ordinarily admissible to an officer should be treated as 'ordinary pay and allowances' within the meaning of the first sentence of the above Audit Instruction and is admissible to both the relieved and the relieving officers in the circumstances explained above

[Ar G's letter No T 128-A /11 35, dated 9th May 1935]

F. R 108 A Government servant who does not join his post within his joining time is entitled to no pay or leave-salary after the end of the joining time Wilful absence from duty after the expiry of joining time may be treated as misbehaviour for the purpose of rule 15.

[1]**F. R 108A.** A person in employment other than Government service or on leave granted from such employment, if in the interests of Government he is appointed to a post under a Local Government, may, at the discretion of the Local Government, be treated as on joining time while he prepares for and makes the journey to join the post under Government, and while he prepares for and makes the journey on reversion from the post under Government to return to his original employment During such joining time he shall receive pay equal to the pay, or in the case of joining time immediately following leave granted from the private employment, to the leave salary, paid to him by his private employer prior to his appointment to Government service, or pay equal to the pay of the post in Government service, whichever is less

[1] This new rule was introduced with effect from the 11th March 1925

PART VII.

Chapter XII.—Foreign Service.

F. R 109 The rules in this chapter apply to those Government servants only who are transferred to foreign service after these rules come into force Government servants transferred previously will remain subject to the rules in force at the time of transfer.

Government of India's decisions—

(1) The rules in Chapter XII of the Fundamental Rules apply to those Government servants only who are transferred to foreign service after the 1st January 1922 Those transferred previously remain subject to the rules in force at the time of transfer Government servants of the latter class are however entitled to take the benefit of the other rules in the Fundamental Rules and will be

No. 587.

No. 654.

Pages 261—262, Section III, Fundamental Rule 110—

Insert the following as "*Note 2*" under Government of India's decision below this Rule, as inserted by correction slip No 587, dated the 27th January 1942 the existing Note, as inserted by correction slip No 599, dated the 28th May 1942, being numbered as "*Note 1*" —

"Note 2.—The position in paragraph 3 of the Government of India's decision has changed with the issue of the rule made by the Secretary of State on the 14th April 1942 and published in the Government of India Home Department Notification No 190/40 Ests., dated the 9th June 1942 Under the Secretary of State's rule mentioned above Fundamental Rules 110(*b*) and (*c*) now confer on the Governor of a Province exercising his individual judgment power to sanction transfers to foreign service outside India and power to impose by general order restrictions in the case of transfers to the service of an Indian State and the sanction of the Secretary of State in each case is not now required

The Government of India should be consulted beforehand in regard to the transfer of Secretary of State's officers serving in the Provinces to Foreign Service in countries outside the British Empire"

[G I, F D, Endorsement No F 1(24) R I/41, dated the 10th December 1942]

[No 654 dated the 28th January 1943]

... to revision.

... in F R 110 (*b*) empowering the Governor General in Council ... to India is inconsistent with the ... in the case ... ments and

1941]

... nuary 1942)

No 599.

Pages 261 262, Section III, Fundamental Rule 110—*Insert* the following as Note under Government of India's decision below this Rule, as inserted by correction slip No 587, dated the 27th January 1942 —

"Note 1—In regard to the transfer of Government servants to foreign service in ... an States referred to in para 2 above the Crown Representative need only be consulted beforehand in the case of Officers belonging to the Provincial and All ... Services.

G I, F D, endorsement No F I (24) R I/41, dated the 6th March 1942.]

Note 2 — see slip 654

(No 599, dated the 28th May 1942)

(c) Subject to any restrictions which the Governor General in Council may by general order impose in the case of transfer to the service of an Indian State, a transfer to foreign service in India may be sanctioned by the local Government under which the Government servant transferred is serving

Audit Instructions—

(1) For the purpose of the 'Foreign Service rules, Nepal should be treated as outside India This decision takes effect from the 23rd February 1927

[Para 2A, Chap XII Sec I of Manual of Audit Instructions (1926)]

(2) The Government which would be entitled to recover pension contribution on behalf of a Government servant lent to foreign service should be regarded as the local Government competent to sanction his transfer to foreign service for the purpose of Fundamental Rule 110 (c)

[Para 2B, Chap XII, Sec I of Manual of Audit Instructions (1926)]

Audit Ruling—The sanction of the Government of India is necessary to the deputation of Government servants to Mesopotamia and East Africa and that of the Secretary of State to the delegation of this power to a Local Government

[Ruling (35) Sec IV of Compilation of Audit Rulings]

F. R 111. A transfer to foreign service is not admissible unless—

(a) the duties to be performed after the transfer are such as should, for public reasons, be rendered by a Government servant, and

[1](b) the Government servant transferred holds, at the time of transfer, a post paid from general revenues, or holds a lien on a permanent post, or would hold a lien on such a post had his lien not been suspended

Government of India's decision—*Under this rule the transfer* of a temporary Government servant to foreign service is permissible

[G I F D No F/60 C S R dated 22nd July 1924]

Government of India's orders—If in any case a proposal is made that a Government servant should be lent to a private undertaking it is necessary that the principles of this rule should be applied most rigorously and generally the loan of a Government officer to a private undertaking should be regarded as a very exceptional case requiring special justification

[G I, F D, No F—I (i) R I/30 dated 17th Jan 1930]

[1]This revised clause has effect from the 29th May 1934

F. R. 112. If a Government servant is transferred to foreign service while on leave, he ceases, from the date of such transfer, to be on leave and to draw leave-salary.

Secretary of State's Orders—The Secretary of State for India had recently under consideration the question of removing the existing differentiation in treatment between officers of the Indian Services who take up employment in Indian States during the period of leave preparatory to retirement and those who are already on foreign service and to whom leave preparatory to retirement with permission to continue on duty in the service of the same employer during leave is not allowed After consultation with the Government of India the Secretary of State has directed that at the present juncture the existing arrangements for the treatment of officers of the Indian Services who take up employment in an Indian State during leave preparatory to retirement should be maintained subject to the reservation that in order to prevent abuse the concession of drawing leave salary during leave preparatory to retirement in addition to pay from an Indian State should not be granted to officers retiring on proportionate pension or before reaching the age of superannuation if they take such leave after being offered, or having made arrangements for employment in a State, and that in such cases they should be required either to retire or go on foreign service terms

[G I, F D, Endt No F 1 (1) R I /34, dated 26th Jan 1934]

Government of India's decisions—

(1) The Government of India have decided to accept the suggestions made by the Secretary of State with regard to the application of foreign service rules to officers accepting employment under an Indian State, while on leave preparatory to retirement

Extract from the Secretary of State's Despatch Financial No 4, dated the 22nd February 1923 to the Governor General in Council

"* * * * The suggested treatment of service in an Indian State in the case of an officer on leave preparatory to retirement on proportionate pension as foreign service while the time so spent is simultaneously regarded as leave would not be in accord with the spirit and intentions of the Foreign Service procedure Further, it would ordinarily have the effect of increasing the officer's difficulties in obtaining fresh employment * * * * I think therefore that the service in question if permitted by you, should be treated as being private employment, unless in any special case the circumstances are such that the Government of India think it right to treat the officer as one for whom an alternative career has been found by them * * * * In the latter case the officer would not be on leave the service should be treated as foreign service counting for pension contribution should be taken from the State concerned, and the proportionate pension should remain in suspense"

"2 I would treat officers about to retire on ordinary pension on similar lines *i e*,—

(a) in the case (*e g* that of an officer who has reached or is approaching the age of superannuation) the officer, notwithstanding his employment with your permission in an Indian State should be allowed to take any leave which would be admissible to him had he not accepted such employment and pension contribution should not be required,

[illegible] correction slip No 120, dated

[illegible] this Rule —

[illegible] below F R 87,

[illegible] July 1943"

([illegible] the 23th July 1943.)

(2) The decision communicated in the correspondence with the Secretary of State referred to above may be taken as applying to all foreign service and not only to service in an Indian State

[G I, F D No 957 C S R dated 13th June 1923]

(3) The Government of India have decided that the concession of treating employment in an Indian State during leave preparatory to retirement as private employment suggested by the Secretary of State in his despatch No 4 Financial dated the 22nd February 1923 [*vide* item (1) of Government of India's decisions above] should not be granted to officers who are in foreign service at the time they apply for such leave and propose to continue on duty in the service of the same employer during the leave This view is in consonance with the Secretary of State's intention for the idea underlying the Secretary of State's suggestion was to facilitate the securing of post pension employment by officers proceeding on leave preparatory to retirement a consideration which does not obtain in the case of officers who are already in foreign service

[G I F D letter No F I (45) R I /31 dated 21st Dec 1931]

F R 113 A Government servant transferred to foreign service will remain in the cadre in which he held a post prior to his transfer, and may be given such substantive or officiating promotion in that cadre as the authority competent to order promotion may decide In giving promotion, such authority will take into account—

(a) the nature of the work performed in foreign service, and

(b) the promotion given to juniors in the cadre

F R 114 A Government servant in foreign service will draw pay from the foreign employer from the date on which he relinquishes charge of his post in Government service Subject to any restrictions which the Governor General in Council may by general

impose, the amount of his pay, the amount of joining time able to him and his pay during such joining time will be fixed authority sanctioning the transfer in consultation with the employer.

or orders issued by the Governor General in Council under this see Appendix 11]

ernment of India s decisions—

The Government of India have had under consideration the n whether, if an officer on foreign service in India is sent by ployer out of India on duty the nature of his employment be considered to have been changed and he should be treated for n service out of India for the period in question It n d ided with the concurrence of the Auditor General that vice in question should continue to be treated as foreign in India but both in this case and in the converse case of er on foreign service out of India deputed by his employer to n duty, who similarly continues to be on foreign service out i, the fact of the officer s being so deputed should be brought notice of the lending authority as it might be necessary to er the question of his emoluments

[G I F D No 1010 E B, dated 21st Aug 1922]

he Government of India have had under consideration the of the possibility of officers transferred to foreign service lmitted to the concession of sterling overseas pay to which uld have been entitled under the Superior Civil Services had they not been so transferred After due consideration re decided that it is impossible to express any part of the in officer on foreign service in sterling The question such officers should be given a corresponding increase in ce pay is one for settlement in each case in consultation foreign employer If it is decided after such consultation, increase should be granted the calculation of the rupee a sterling pay will be made at the current rate of exchange 34 Account Code) on the date the officer is transferred to foreign service In the case of officers already in foreign service, the rate will naturally be the rate on the date with effect from which their pay is revised

It is understood that in certain cases the pay of officers in foreign service is fixed as the pay they would receive in Government service or such pay *plus* a certain percentage thereof In such cases, the Government of India consider that the foreign employer can equitably be called upon to pay the equivalent of sterling overseas pay according to the terms of the arrangement, though even in such cases his concurrence should be obtained The sterling pay will then be converted monthly to rupees at the "current rate"

[G I, F D, letter No F/211 C S. R./25, dated 6th July 1925.]

(3) *Paragraph 2 of Government of India's decision (2) above* should be taken as applicable to all cases in which the pay of an officer in foreign service is fixed as the pay which he would receive from time to time in Government service or the pay of a post in Government service, with or without an addition thereto in the form of a percentage of such pay and/or of a fixed sum

The decision that overseas pay should not be paid in sterling was based mainly on a consideration of the complications which would arise from an accounts point of view if Government were to make payments in sterling through the High Commissioner for India and recover the amount from the foreign employers If, however a foreign employer prefers to make his own arrangements to disburse the overseas pay in sterling and the employee agrees to it, *the Government of India have no objection to the adoption of* such a procedure, in that case, for the purpose of calculating contribution the amount paid in sterling should be converted to rupees at the "current rate of exchange"

[G I, F D, letter No F/221 C S R 25, dated 19th Jan 1926]

(4) Where the pay during foreign service of an officer who is entitled to the passage concessions under Schedule IV to the Superior Civil Services Rules, is fixed as the pay which he would receive from time to time in Government service with or without an addition thereto in the form of a percentage of such pay and/or of a fixed sum, the foreign employer is liable to pay, in addition to the pay originally fixed and the sterling overseas pay or its equivalent in rupees, passage *pay at the rate of Rs 50 per mensem* with effect from the 1st April 1924

The Passage Fund has been abolished with effect from the 1st April 1926 but foreign employers will continue to be liable to pay Rs 50 per mensem in the case of officers referred to above as their share of the cost of free passages * * *

The Governor General in Council has * * * decided that, in respect of officers other than those serving under Provincial Governments who are transferred to foreign service on and after the date of receipt of this letter, a contribution for passages at the rate of Rs 50 a month payable during the whole tenure of an officer's service under the foreign employer whether he is on leave or duty, should be levied in all cases in which the officer is eligible for the passage concession

[G I, I D, letter No F/18 VI C S R 26, dated 12th June 1926]

(5) The Governor General in Council considers that the liability on account of the Passage concessions to non Superior officers of non Asiatic domicile under the Central Government under the rules promulgated in the Government of India, Home Department, Memorandum No F 10/4/30 Ests, dated the 6th August 1930 in respect of those officers on foreign service who are admitted to them is one which should legitimately be borne by the foreign

employers He has, therefore decided that a contribution, fixed provisionally at the rate of Rs 30 per mensem should be levied with effect from the 1st April 1931, from all foreign employers under whom such officers may be serving The contribution will be payable throughout the officer s service under the fore— Government of India i e whether ... F.R 114.—Insert the following as

No 730 Page 267, Section III, F.R 114—Insert the following as Government of India decision (9) below this Rule —

"(9) See item (6) of the Government of India s decisions in Appendix 11 to the Posts & Telegraph Compilation of Fundamental and Supplementary Rules, Volume II, as inserted by correction slip No. 352, dated the 5th June 1944

(No. 730 dated the 28th March 1944)

... passage concessions are transferred from a Civil Department to the Military Department

No 413.

No 507 — See slip 507

Page 267 Section III Fundamental Rule 114—

Insert the following as Government of India's decision (7) below this rule —

"(7) In view of the decision conveyed in the Government of India Finance Department, letter No F 4 (29) R I/39, dated the 31st January 1940, that passage certificates should be issued based on the revised P & O fares the contributions for passages recoverable from foreign employers ...

No 591.

Page 267, Section III, Fundamental Rule 114—

Insert the following as Government of India's decision (8) below this rule —

"(8) In partial modification of the orders contained in clause (i) of Government of India's decision (7) above, as inserted by correction slip No 507, dated the 28th October 1940, the normal rate of contributions for passages recoverable from foreign employers should be raised (i) in respect of superior passages by 70 per cent (74 per cent in the case of 1st class C) and (ii) in respect of non superior passages by 108 per cent with effect from the 11th September 1941 "

[Government of India, Finance Department ... No F 4 (29) R I/41, dated ... 1942.]

No. 762.

Page 267, Section III, Fundamental Rule 114—

Insert the following as item (10) of the Government of India's decision below this Rule —

"(10) *See* item (7) of the Government of India's decisions in Appendix II, to Volume II of this Compilation as inserted by correction slip No 391, dated the 5th June 1944

(No 762, dated the 5th June 1944)

the cost of passages in Part B of Appendix 5 to the Account Code, Volume I, First Edition (1940)

[Government of India Finance Department Endorsement No F 4 (29) R I/39 dated the 21 September 1940] (8) — See slip 591

(No 507, dated the 28th October 1940)

NOTE 2—In the case of Government servants lent to His Majesty's Government or to British colonies or protectorates, the contribution is payable by the employer, except in the case of Government servants lent to the War Office, whose contributions are paid in accordance with special arrangements with the War Office.

[*For Administrative Instructions issued by the Governor General in Council regarding* "Procedure for Payment of Contribution" see *Part VI (a) of Appendix No 3*]

Government of India's decision—

For the purposes of the rules communicated in Government of India, Finance Department letter No 479 C S R, dated the 15th April 1921, and in supersession of the rule in Article 774 Civil Service Regulations, the pension contributions recovered on behalf of an officer in foreign service will in all cases be credited to and the foreign service treated as service under the Government (Central or Provincial) under which he was permanently employed at the time of his transfer to foreign service

This decision will apply to all foreign service rendered from and after the 24th October 1921, the pension contributions received in respect thereof being adjusted accordingly by the local Accountant General

Foreign service rendered prior to the 24th October 1921 will perforce require to be treated as service under the Government which has already received the contributions, and the ultimate apportionment of pensionary charges in certain cases will be worked out accordingly under the rules promulgated with the letter under reference

The principles enunciated above shall also apply to the contributions recovered towards the leave salary of officers on foreign service in India That is all such contributions received in respect of foreign service rendered from and after the 24th October 1921 will be credited to the Government (Central or Provincial) under which the officers were permanently employed at the time of their transfer to foreign service and all those received in respect of foreign service rendered prior to that date will remain on the books of the Government which has already received them The foreign service will thus be treated as service for leave under the Government which has received the contributions and such Government will bear its share of leave salary in accordance with the last paragraph of the rules promulgated with the letter under reference

[G I, F D, No 1255 E B dated 24th Oct 1921 and No 1316 C S R, dated 22nd Nov 1922]

Auditor General's decision—In the case of officers transferred to foreign service prior to the introduction of the Fundamental Rules who remain under the foreign service rules in the Civil Service Regulations but have elected to come under the new (Fundamental) leave rules the first four months of leave on average pay or such a longer period as may be admissible to these officers as

privilege leave under the rules previously in force should, for the purposes of Articles 765(b) and 779, Civil Service Regulations, be treated as corresponding to privilege leave

[Ar C s No 1078 A—3521 23 dated 29th Oct. 1923]

[1]F. R 116 The rate of contributions payable on account of pension and leave salary shall be such as the Governor General in Council may by general order prescribe

[The rates of contributions prescribed by the Governor General in Council with reference to Fundamental Rules 116 and 117 are given in Appendix II A]

No 664. Page 269, Section III F R 116—*Insert* the following as a sub paragraph to ite of the Government of India's orders below this rule, as amended by correction slip No 616, the 29th June 1942 —

"The contribution for pension in the case of an inferior Government servant transferred foreign service should be levied at the rate prescribed in Article 770(c) Civil Service Regula on the maximum monthly pay of the grade substantively held by the inferior Government serva

[Government of India Finance Department endorsement No F 1(4) R I/42 dated the 5th January 1

(No 664, dated the 28th March 1943

No. 153.

Page 269, Section III, F R 116—

Add the following to the authority cited below item (2) of the Government of India's Orders under this Rule —

"and G I, F D, letter No F 1 (20) R I/36, dated the 17th September 1936, to the address of the Accountant General, Central Revenues"

(No 153, dated the 28th October 1936)

No 616

Page 269, Section III, F R 116—

Add the following at the end of item (2) of Government of India's Orders below this rule as amended by Correction Slip No 153 dated the 28th October 1936 —

"The non recovery of contribution for leave salary in the case of inferior Government servants transferred on foreign service should be [illegible]

[Government of India Finance Department endorsement No F 1(12) R I/42 dated the 20th April 1942]

(No 616, dated the 29th June 1942)

February 1929 shall stand except that Rs [illegible] per mensem shall be fixed as the limit of pay on which contributions at the fundamental rules rates shall be calculated

[1] This revised rule has effect from the 5th September 1928

(iii) That in the case of non superior officers other than those referred to in sub paragraph (ii) preceding the rate of 12½ per cent of the pay drawn by the officers from the Iraq Government shall apply, from 1st August 1923, subject to the condition that pay for this purpose shall not in any case be taken at more than Rs 1,000 per mensem.

(iv) In all cases in respect of the period from 27th January 1922 until 31st July 1923 inclusive, the old Civil Service Regulations rates (i e, those in force prior to the introduction of the Fundamental Rule rates) shall apply, except in the case of officers who are lent to Iraq for the first time after 1st January 1922

NOTE—By Superior Services in this connection is meant the All India and Class I Central Services and the commissioned ranks of the Indian Army and the Royal Indian Marine and by Non Superior Services all other Indian Government servants employed in Iraq

[India Office letter No F 1204/31, dated 17th March 1931, received with the G I, F D, letter No F 81 R I /24, dated 4th June 1931]

Audit Instruction—

(1) When a Government servant is transferred to Foreign Service, or when the period of Foreign Service of a Government servant is extended, it should be stipulated that the contributions for pension and leave salary or for pension alone as the case may be will be recoverable at the rates in force from time to time in accordance with the orders issued by the Governor General in Council under F R 116 Similarly if the officer is on non pensionable footing and subscribing to a contributory provident Fund and if he is allowed to retain this privilege while in Foreign Service, the orders should specify the arrangement made with reference to paragraph 7 of the resolution of the Government of India in the Finance Department No F 81 R I /24 dated the 11th February 1929 (Appendix 11 A) and state that these will be subject to amendment consequent upon any revision of the orders contained in that paragraph

(2) ———

[Para 5, Chap XII, Sec I of Manual of Audit Instructions (1926)]

[1]F R 117 (a) The rates of pension contribution prescribed under Rule 116 will be designed to secure to the Government servant the pension that he would have earned by service under Government if he had not been transferred to foreign service

(b) The rates of contribution for leave salary will be designed to secure to the Government servant leave-salary on the scale and under the conditions applicable to him In calculating the rate of leave salary admissible, the pay drawn in foreign service, *less* in

[1] This revised rule has effect from the 5th September 1928

the case of Government servants paying their own contributions, such part of pay as may be paid as contribution, will count as pay for the purpose of Fundamental Rule 9 (2).

[*The rates of contributions prescribed by the Governor General in Council, with reference to Fundamental Rules 116 and 117, are given in Appendix II-A*]

Auditor General's decisions—

(1) The orders in Government of India, Finance Department, Resolution No 15 E B dated the 18th January 1922 (*vide* entry below Fundamental Rule 109) were not intended to place officers who were transferred to foreign service before 1st January 1922 and who have elected to come under the new leave rules in a better position in the matter of leave salary than those transferred to foreign service subsequently What was intended is that the principle of the rules in (old) Fundamental Rule 116 (New F R 117) should be applied to both cases of officers The expression "their pay in foreign service" in clause (1) of the Resolution should *therefore be taken as meaning "the pay drawn in foreign service* less such part of it as may be paid as contribution "

In the case of officers who are exempted from the payment of contribution leave salary should be based on the actual pay in foreign service without regard to contribution, which would have ~~been paid but~~ for the exemption

No. 689.

271, Section III, F R 117—

ert the following as Audit Instructions below this Rule — tri

udit Instructions —See item (6) of Audit Instructions below F. R. 87,)ee

erted by correction slip No 687, dated the 28th July 1943 " nts

contribution (No 689, dated the 28th July 1943);

[Ar G s No 945 A /K W 66 22 dated 1st Sept 1923]

(3) In the case of officers transferred to foreign service prior to the introduction of the Fundamental Rules who remain under the foreign service rules in the Civil Service Regulations but have elected to come under the new (Fundamental) leave rules leave-salary should be based on the actual pay in foreign service where the contribution is paid by the foreign employer in addition to the officer s pay

See Sup 689

[Ar G s No 975 A /352½ 23 dated 17th Sept 1923]

F. R 118 *Deleted* [With effect from the 31st December 1929]

F R 119 Subject to any general orders of the Governor General in Council, a local Government sanctioning a transfer to foreign service may—

(a) remit the contributions due in any specified case or class of cases, and

(b) make rules prescribing the rate of interest, if any, to be levied on overdue contributions.

[*For rule made by the Governor General in Council, in his capacity as a Local Government, under Fundamental Rule 119 (b), see Supplementary Rule 307*]

Government of India's orders—The Government of India do not propose to issue any order under Rule 119 (a)

[G I, F D, No 1360 E B, dated 10th Dec 1921]

F. R. 120. A Government servant in foreign service may not elect to withhold contributions and to forfeit the right to count as duty in Government service the time spent in foreign employ. The contribution paid on his behalf maintains his claim to pension, or to pension and leave-salary, as the case may be, in accordance with the rules of the service of which he is a member. Neither he nor the foreign employer has any right of property in a contribution paid and no claim for refund can be entertained.

F R. 121. A Government servant transferred to foreign service may not, without the sanction of the Local Government, accept a pension or gratuity from his foreign employer in respect of such service.

F. R. 122 A Government servant in foreign service in India may not be granted leave otherwise than in accordance with the rules applicable to the service of which he is a member, and may not take leave or receive leave-salary from Government unless he actually quits duty and goes on leave.

[*For Administrative Instructions issued by the Governor General in Council regarding* ***Leave and the Grant of Leave to Government servants in Foreign Service in India****, see Part VI (2) of Appendix 3*]

[1]F. R. 123 (a) A Government servant in foreign service out of India may be granted leave by his employer on such conditions as the employer may determine. In any individual case the authority sanctioning the transfer may determine beforehand, in consultation with the employer, the conditions on which leave will be granted by the employer. The leave-salary in respect of leave granted by the employer will be paid by the employer and the leave will not be debited against the Government servant's leave account.

(b) In special circumstances, the authority sanctioning a transfer to foreign service out of India may make an arrangement with the foreign employer, under which leave may be granted to the Government servant in accordance with the rules applicable to him as a Government servant, if the foreign employer pays to general revenues leave contribution at the rate prescribed under Fundamental Rule 116.

[1] This revised rule has effect from the 5th September 1928

Government of India's orders—The Government of India have decided that for purposes of pension the period of leave granted by foreign employers out of India to Government servants lent to them under F. R. 123 (a), should be treated as 'leave' and not as 'duty'. Any such leave, if taken on full or average pay or equivalent terms should, up to a limit of four months on any one occasion, be treated as privilege leave for the purpose of Article 407, Civil Service Regulations, and all other leave with leave allowances should be dealt with as in Article 408, Civil Service Regulations.

[G. I., F. D., letter No. F. 1 (9) R. I./32, dated the 18th Feb. 1932.]

See slip 690

F. R. 124. A Government servant in foreign ser... No. 690.

Page 273, Section III, F. R. 123—

Insert the following as Audit Instructions below this Rule —

"*Audit Instructions*.—*See* item (6) of Audit Instructions below F. R. 87, as inserted by correction slip No. 687, dated the 28th July 1943."

(No. 690, dated the 28th July 1943.)

... A Government servant reverts from foreign service to Government service on the date on which he takes charge of his post in Government service; provided that, if he takes leave on the ... No. 691.

Page 273, Section III, F. R. 124—

Insert the following as Audit Instructions below this Rule —

"*Audit Instructions*.—*See* item (6) of Audit Instructions below F. R. 87 as inserted by correction slip No. 687, dated the 28th July 1943."

(No. 691, dated the 28th July 1943.)

...minary to retirement, coupled with permission to remain in the service of the foreign employer, leave may be granted only on the condition that the Government servant's reversion to Government service will, under F. R. 125, take effect from the date of taking leave. He will then get the concession of adding leave salary from Government to pay drawn from the foreign employer, just as if he had been permitted to take up private employment during leave preliminary to retirement but he will not be able to increase his pension because his pension will thereafter be calculated on the pay which he would have got on resuming duty in Government service. The question of the Government servant's *reversion to Government service need not be pressed if he agrees not to continue to work* under the foreign employer for the period of leave, that is, he may have leave without reverting to Government service, and may have his pension calculated on the pay which he would have *drawn on* foreign service.

Where, however, a Government servant has been on foreign service whether in or out of India for a considerable period, a claim to be granted by Government leave preparatory to retirement and to draw leave salary in respect of such leave should be carefully scrutinised and such leave should not ordinarily be granted on the principle that leave preparatory to retirement may be justified in cases where a Government servant desires to establish *himself in*

1[ ] Inserted with effect from the 29th May 1934.

[*For rule made by the Governor General in Council, in his capacity as a Local Government, under Fundamental Rule 119 (b), see Supplementary Rule 307*.]

Government of India's orders.—The Government of India do not propose to issue any order under Rule 119 (*a*).

[G. I., F. D., No. 1360 E. B., dated 10th Dec. 1921.]

F. R. 120. A Government servant in foreign service may not elect to withhold contributions and to forfeit the right to count as duty in Government service the time spent in foreign employ. The contribution paid on his behalf maintains his claim to pension, or to pension and leave-salary, as the case may be, in accordance with the rules of the service of which he is a member. Neither he nor the foreign employer has any right of property in a contribution paid and no claim for refund can be entertained.

F. R. 121. A Government servant transferred to foreign service may not, without the sanction of the Local Government, accept a pension or gratuity from his foreign employer in respect of such service.

F. R. 122. A Government servant in foreign service in India may not be granted leave otherwise than in accordance with the rules applicable to the service of which he is a member, and may not take leave or receive leave salary from Government unless he actually quits duty and goes on leave.

[*For Administrative Instructions issued by the Governor General in Council regarding* **Leave and the Grant of Leave to Government servants in Foreign Service in India,** *see Part VI (2) of Appendix 5*.]

[1]F. R. 123. (a) A Government servant in foreign service out of India may be granted leave by his employer on such conditions as the employer may determine. In any individual case the authority sanctioning the transfer may determine beforehand, in consultation with the employer, the conditions on which leave will be granted by the employer. The leave salary in respect of leave granted by the employer will be paid by the employer and the leave will not be debited against the Government servant's leave account.

(b) In special circumstances, the authority sanctioning a transfer to foreign service out of India may make an arrangement with the foreign employer, under which leave may be granted to the Government servant in accordance with the rules applicable to him as a Government servant, if the foreign employer pays to general revenues leave contribution at the rate prescribed under Fundamental Rule 116.

[1] This revised rule has effect from the 5th September 1928.

Government of India's orders.—The Government of India have decided that for purposes of pension the period of leave granted by Foreign employers out of India to Government servants lent to them under F. R. 123 (a), should be treated as 'leave' and not as 'duty'. Any such leave, if taken on full or average pay or equivalent terms should, up to a limit of four months on any one occasion, be treated as privilege leave for the purpose of Article 407, Civil Service Regulations, and all other leave with leave allowances should be dealt with as in Article 408, Civil Service Regulations.

[G. I., F. D., letter No. F. 1 (3) R. I./32, dated the 16th Feb. 1932.]

See s/c 690

F. R. 124. A Government servant in foreign service ...

No. 690.

Page 273, Section III, F. R. 123—

Insert the following as Audit Instructions below this Rule :—

"*Audit Instructions.*—*See* item (6) of Audit Instructions below F. R. 87, as inserted by correction slip No. 687, dated the 28th July 1943."

(No. 690, dated the 28th July 1943.)

... A Government servant reverts from foreign service to Government service on the date on which he takes charge of his post in Government service; provided that, if he takes leave on the ...

No. 691.

Page 273, Section III, F. R. 124—

Insert the following as Audit Instructions below this Rule :—

"*Audit Instructions.*—*See* item (6) of Audit Instructions below F. R. 87 as inserted by correction slip No. 687, dated the 28th July 1943."

(No. 691, dated the 28th July ...)

... preliminary to retirement, coupled with permission to remain in the service of the foreign employer, leave may be granted only on the condition that the Government servant's reversion to Government service will, under F. R. 125, take effect from the date of taking leave. He will then get the concession of adding leave salary from Government to pay drawn from the foreign employer, just as if he had been permitted to take up private employment during leave preliminary to retirement, but he will not be able to increase his pension, because his pension will thereafter be calculated on the pay which he would have got on resuming duty in Government service. The question of the Government servant's reversion to Government service need not be pressed if he agrees not to continue to work under the foreign employer for the period of leave, that is, he may have leave without reverting to Government service, and may have his pension calculated on the pay which he would have drawn on foreign service.

Where, however, a Government servant has been on foreign service whether in or out of India for a considerable period, a claim to be granted by Government leave preparatory to retirement and to draw leave salary in respect of such leave should be carefully scrutinised and such leave should not ordinarily be granted on the principle that leave preparatory to retirement may be justified in cases where a Government servant desires to establish himself in

[1] [ ] Inserted with effect from the 29th May 1934.

new conditions and possibly in new employment but cannot be justified where he is already well established by length of service in employment on foreign service.

[G I, F D, No F I XIX C S R /27, dated 2nd June 1927]

See slip 692

F. R. 126. When a Government ...

No. 692.

Pages 273 274, Section III, F R 125—

Insert the following as Audit Instructions below this Rule —

"*Audit Instructions —See* item (6) of Audit Instructions below F R as inserted by correction slip No 687, dated the 28th July 1943"

[No 692, dated the 28th July

be recovered from the persons for whose benefit the additional establishment is created, recoveries shall be made under the following rules:—

(a) The amount to be recovered shall be the gross sanctioned cost of the service, or of the portion of the service, as the case may be, and shall not vary with the actual expenditure of any month.

(b) The cost of the service shall include contributions at such rates as may be laid down under [1][Rule 116], and the contributions shall be calculated on the sanctioned rates of pay of the members of the establishment.

(c) A local Government may reduce the amount of recoveries or may entirely forego them.

Government of India's orders—

(1) In consequence of the amendment of old Fundamental Rules 116 and 117 the words Rule 117 in F R 127 should have been altered to 'Rule 116' with effect from the 5th September 1928 and steps will be taken to have this amendment made as early as possible Pending the amendment the rates of contributions to be levied under F R 127 shall, with effect from the 5th September 1928, be those prescribed under new F R 116

[G I, F D letter No F 1 XI R I /29, dated 17th May 1929]

(2) As regards pension contribution, the Governor General in Council has decided that in the case of members of the Indian Civil Service the amount to be recovered as contribution should be the average of the rates prescribed in columns 2 and 3 of the first table in the Annexure to the Government of India, Finance Department Resolution No I 81 R I 24 dated the 11th February 1929 [Section I of the Annexure to the Appendix 11 A], and in the case of members of other Superior Services, the average of the rates laid down in columns 4 and 5 of that table

[1] [ ] The words Rule 116 have been substituted for the words Rule 117 with effect from the 31st December 1929

In the case of members of Provincial/Subordinate Services, a fraction of the total maximum monthly pay of all the sanctioned posts equal to the average of the percentages, laid down in column (3) of the table in Section II of the ...

No. 95.

Page 275, Section III, F R 127—

Substitute the following *for* sub paragraph 3 of the Government of India Orders (2) below this rule —

"As regards contributions for leave salary recoveries should be made by levying, in the case of members of superior services subject to the special and ordinary leave rules the average of the percentage rates and in the case of members of Provincial and Subordinate services the ... the Annexure to Appendix ... case of time scales of pay ..."

[No 95, dated the 25th June 1936]

... Note ... to Article 760, Civil Service Regulations

(*b*) The rates of contributions applicable to the additions made on or after the 1st August 1918 and before the 27th January 1922, are those prescribed in Articles 769 and 770, Civil Service Regulations (Fifth Edition—Reprint) irrespective of any change of incumbents or further additions to the additional establishment

(*c*) The additions made on or after the 27th January 1922, are subject, up to the 28th February 1929 to the rates laid down in Government of India, Finance Department letters No 64 E B, dated the 27th January 1922 and No F 81 C S R /24, dated the 4th August 1924 [*vide* items (1) and (4) of Government of India's orders under F R 116] and thereafter to the rates announced in Government of India Finance Department Resolution No F 81 R I/24 dated the 11th February 1929 [*vide* Appendix 11 A] or any revised rates which may be prescribed from time to time

(*d*) In all cases renewal of sanctions to additions to regular establishments should be treated as new sanctions

[G I, F D, letter No F I XI—R I /29, dated 30th July 1929]

(4) The cost of additional establishments together with contributions for leave and pension in respect of Government servants who form additions to regular establishments under Fundamental Rule 127 being recoverable from the parties for whose benefit they are created it has been decided that a contribution for passages should, in respect of such Government servants of the additional establishments as are entitled to passage concessions be levied at the rates applicable to Government servants entitled to passage concessions who are transferred to Foreign Service *viz* at Rs 50 per mensem in the case of Superior Officers and Rs 30 per mensem in the case

of non Superior Officers The contribution should be levied during the whole period of service in the additional post except that it should not be charged during leave where —

(a) the leave taken is leave preparatory to retirement, or

(b) the Government servant concerned will on return from leave be given different duties and not return to t! additional post, or

No. 69.

Page 276, Section III, F R 127—

Insert the following " Auditor General's decision " under this rule —

" *Auditor General s decision* —In calculating the pensionary contri bution leviable under F R 127, on account of a post in the clerica ·ose whether the maximum he maximum of the Selectio pay should be taken int account The Auditor General has decided, with the concurrence of th Government of India, that the maximum of Grade I, (i e, the Selectio grade) should be taken into account as the maximum monthly pay of th clerical grade "

[Ar G s endst. No 229 A/235 35, dated 29th November 1935]

[No 69, dated the 18th March 1936]

Chapter XIII.—Service under Local Funds.

F. R. 128. Government servants paid from local funds which are administered by Government are subject to the provisions of Chapters I to XI of these rules.

Audit Instructions—

(1) *Employees of local funds administered by Government who are not paid from general revenues and are, therefore, not Government servants* are subject to the provisions of Chapters I to XI of the Fundamental Rules

[Para Chap XIII Sec I of Manual of Audit Instructions (1926)]

(2) The expression 'Local funds which are administered by Government means funds administered by *bodies* which by law or rule having the force of law come under the control of Government *in regard to proceedings generally* and not merely in regard to specific matters, such as the sanctioning of the budget or sanction to the creation or filling up of particular posts or the enactment of leave, pension or similar rules—in other words it means funds over whose expenditure Government retains complete and direct control

[Para Chap XIII Sec I of Manual of Audit Instructions (1926)]

F. R 129 The transfer of Government servants to service under local funds which are not administered by Government will be regulated by the rules in Chapter XII.

F R 130 Persons transferred to Government service from a local *fund which is not administered by Government will be treated as* joining a first post under Government and their previous service will not count as duty performed A local Government may however, allow previous service in such cases to count as duty performed on such terms as it thinks fit.

THE SCHEDULE.

(Fundamental Rule 75 A)

Provisions for the determination of Domicile.

[*Government of India, Finance Department, Resolution No. 1455-C. S. R., dated the 18th August 1923*].

1. A person can have only one domicile.

2. The domicile of origin of every person of legitimate birth is in the country in which at the time of his birth his father was domiciled or, if he is a posthumous child in the country in which his father was domiciled at the time of the father's death

3. The domicile of origin of an illegitimate child is in the country in which at the time of his birth his mother was domiciled

4. The domicile of origin prevails until a new domicile has been acquired, and a new domicile continues until the former domicile has been resumed or another has been acquired

5. (1) A person acquires a new domicile by taking up his fixed habitation in a country which is not that of his domicile of origin

(2) Any person may, if the law of any country so provides, and subject to any such provisions, acquire a domicile in that country by making, in accordance with the said provisions, a declaration of his desire to acquire such domicile

Explanation I.—A person is not to be considered as having taken his fixed habitation in a country merely by reason of his residing there in His Majesty's civil or military service or in the exercise of any profession or calling.

Explanation 2—A person does not acquire a new domicile in any country merely by reason of residing as part of the family or as a servant of any ambassador, consul, or other representative of the Government of another country

6. The domicile of a minor follows the domicile of the parent from whom he derives his domicile of origin

Provided that the domicile of a minor does not change with that of his parent if the minor is married or holds any office or employment in the service of His Majesty or has set up with the consent of the parent in any distinct business

7. After marriage a woman acquires the domicile of her husband if she had not the same domicile before and her domicile during the marriage follows the domicile of her husband

Provided that if the husband and wife are separated by the order of a competent court or if the husband is undergoing a sentence of transportation, the wife becomes capable of acquiring an independent domicile.

8. Save as otherwise provided above a person cannot during minority acquire a new domicile

9. An insane person cannot acquire a new domicile in any other way than by his domicile following domicile of another person.

SECTION IV.

SUPPLEMENTARY RULES.

SECTION IV.

SUPPLEMENTARY RULES.

(Made by the Governor-General in Council under the Fundamental Rules)

PART I.—GENERAL.

Division I.—Extent of Application.

S. R. 1. These rules may be called the Supplementary Rules. They apply to those Government servants only who are subject to the fundamental rules, whose pay is debitable to central revenues and who are not under the administrative control of a Governor in Council acting as the agent of the Governor General in Council.

No. 617.

Insert the following as Note 3 below rule 1 of Supplementary Rules.

"Subject to the provisions in rule 201 of the ~~St~~ State Railway Establishment Code, Government servants of the Railway Audit Branch of the Indian Audit Depar-ment who are under the rule-making control of the Governor General and are eligible for the concession of privilige passes on Railways are governed in respect of travelling allowance by the rules contained in Chapters II and III of the State Railway Establishment Code. Any provision with regard to the travelling allowance of this personnel in these rules will, therefore, be treated as null and void."

(This amendment takes effect from 1st September,1940)
(Government of India, Ministry of Finance, [illegible] Correction Slip No. 617, dated the 1st May 1948 - endorsed with their endt. No. D.2859-Est.IV/48, dated the 21st May, 1948).

and for carriage of camp equipment if necessary. It does not include charges for hotels, travellers' bungalows or refreshments or for the carriage of stores or conveyances or for presents to coachmen and the like; or any allowance for such incidental losses or expenses as the breakage of crockery, wear and tear of furniture and the employment of additional servants.

(2) *Apprentice* means a person deputed for training in a trade or business with a view to employment in Government service, who draws pay at monthly rates from Government during such training but is not employed in or against a substantive vacancy in the cadre of a department.

(3) *Audit Officer* means such Audit Officer as the Auditor General may by general or special order designate in each case.

(4) *Camp equipage* means the apparatus for moving a camp.

(5) *Camp equipment* means tents and the requisites for pitching and furnishing them or, where tents are not carried, such articles of camp furniture as it may be necessary, in the interests of the public service, for a Government servant to take with him on tour.

(6) *Competent authority*, in relation to the exercise of any power, means the Governor General in Council or any authority to which the power is delegated by or under these rules.

[A list of authorities which exercise the powers of a competent authority under the various Supplementary Rules made by the Governor General in Council is given in Appendix No 13]

(7) *Day* means a calendar day, beginning and ending at midnight, but an absence from headquarters which does not exceed twenty four hours shall be reckoned for all purposes as one day, at whatever hours the absence begins or ends.

(8) *Family* means a Government servant's wife, legitimate children and step children, residing with and wholly dependent upon him Except in rules 109A, 116, 141A, 155A, 155B and 163, it includes in addition his parents, sisters and minor brothers, if residing with and wholly dependent upon him. Not more than one wife is included in a family for the purpose of these rules.

Government of India's decision.—The Government of India have decided that the term 'child' or "children' used in S R 2 (8) and Rule I (*b*) of the rules relating to the Calcutta, Bombay and Rangoon House Allowance Schemes includes major sons and married daughters so long as they are residing with and wholly dependent on the parent (the Government servant)

[Ar G's No 1025 A /344 23, dated 2nd Oct. 1923]

Audit Instructions.—The term 'legitimate children' in the rule does not include adopted children except those adopted under the Hindu Law.

[Manual of Audit Instructions (1930), No. 131.]

(9) *Finance Department* means the Finance Department of the Government of India.

(9A) *Grain compensation allowance* is a form of compensation allowance which may be granted to low paid Government servants on account of a temporary and abnormal rise in prices of foodgrains in the locality where they serve.

(10) *Head of a department* means any authority which the Governor General in Council may by order declare to be the head of a department for the purposes of these rules.

[*For a list of Heads of Departments, see Appendix No. 14.*]

(11) *Hill Station* means any place which a competent authority may declare to be a hill station.

Government of India's order.—It has been declared that, in respect of territories administered by a Local Government except the North West Frontier Province, any place which has been declared by that Local Government to be a hill station for the purposes of their travelling allowance Rules, should be regarded as a hill station for the purposes of the Supplementary Rules also. The undermentioned places have also been declared to be hill stations in the North-West Frontier Province, Baluchistan and Rajputana:—

North West Frontier Province.

(1) Nathiagali
(2) Dungagali
(3) Changlagali
(4) Thandiani
(5) Cherat
(6) Fort Lockhart
(7) Parachinar
(8) Razmak
(9) Sheikh Budin
(10) Abbottabad

Baluchistan

Quetta

Rajputana

Mount Abu

[G. I., F. D., Res. No. F. 5 (118) R. I./34, dated 5th December 1934.]

(12) *Holiday* means—

(a) a holiday prescribed or notified by or under section 25 of the Negotiable Instruments Act, 1881, and

(b) in relation to any particular office, a day on which such office is ordered, by notification of Government in the Gazette, to be closed for the transaction of Government business without reserve or qualification.

(13) *Inferior service* means any kind of service which may be specially classed as such by order of the Governor General in Council and any other kind of service on pay not exceeding Rs 10.

(14) *Local Administration* means the local Government of any province other than a Governor's province or Burma.

(15) *Probationer* means a Government servant employed on probation in or against a substantive vacancy in the cadre of a department.

(16) *Public conveyance* means a train, steamer or other conveyance which plies regularly for the conveyance of passengers.

(17) *Superior service* means any kind of service which is not inferior.

(18) *Transfer* means the movement of a Government ser— from one headquarter station in which he is employe another such station, either

(a) to take up the duties of a new post, or

(b) in consequence of a change of his headquarters.

Division III—Medical certificates of fitness on first entry into Government service.

(Rules made by the Governor General in Council under Fundamental Rule 10)

S. R. 3. A medical certificate of fitness for Government service shall be in the following form.—

"I hereby certify that I have examined A. B., a candidate for employment in the Department, and cannot discover that has any disease, constitutional weakness or bodily infirmity, except . I do not consider this a disqualification for employment in the office of , A. B.'s age is, according to his own statement, years, and by appearance about years"

Government of India's orders—

(1) When a candidate for appointment in a non gazetted post is sent for medical examination the examining Medical Officer or Board should be asked to obtain on the medical certificate the thumb

No. 731. *Page 287, Section IV, S.R. 4-A (as amended by correction slips No. 320, dated the 1 September 1938, No. 417, dated the 28th October 1939 and No. 641, dated the 28th November 1942).*

Insert the following as items (5) and (6) below this Rule :—

"(5) A temporary Government servant, who has already been medically examined in on office, if transferred to another office without a break in his service.*

(6) A retired Government servant re-employed immediately after retirement."

[Government of India, Finance Department, Correction No. 561 (S.R.), dated the 1st March 19

* The person concerned should obtain a certificate from the Head of the office from which he ferred to the effect that he had already produced the requisite medical certificate of health.

[Government of India, Finance Department, endorsement No. F. 6(22). R. II/42, dated the 10th ... 1943.]

No. 748.

Page 287, Section IV, S. R. 4 (as amended by correction slips No. 253, dated the 23rd December 1937; No. 289, dated the 1st May 1938 and No. 584, dated the 27th January 1942)—

Substitute the following for Proviso (3) to this Rule, as inserted by item (*iii*) of correction slip No 640, dated the 28th November 1942 :—

"(3) a candid ... rary capacity continuously for three ... , or within a week from the date of ... rised medical attendant ... for Gov- ... owever, a ... for less ...

the new office."

[Government of India, Finance Department, Correction No. 561 (S. R.), dated the 1st March 1944].

(No. 748, dated the 5th June 1944).

... November 1942]

... *Section IV, S. R. 4*— ... dated the 28th November 1942)

Substitute the following ...

No. 641.

Pages 287 288 Section IV, S R 4 A (as amended by correction slips No 320, dated the 1st September 1938 and No 417 dated the 28th October 1939)—

(i) *Substitute* the following for the existing item (3) —

"(3) A Government servant in superior service appointed in a temporary vacancy of less than three months' duration

(4) A Government servant in inferior service appointed in a temporary vacancy of less than six months' duration "

(ii) *Delete* Note 2

[G I, F D, Correction No 545 (S R), dated the 1st November 1942]

(5) & (6) See Slip 731

(No 641, dated the 28th November 1942)

Insert the following as a Government of India's decision below this rule .—

of ... , for the purpose
pos ... State, who is in
... in the Schedule to the
Indian Medical Council Act, 1933 (XXVII of 1933) may be accepted..

[F O. (C)'s endorsement No. E S B 61-7/38, dated the 11th October 1939]

(No. 422, dated the 28th November 1939)

Page 288, S. R. 4 A—

Substitute the following for item (1) of the Director General's instructions under this rule —

(1) A health certificate should be obtained from a candidate eligible for permanent appointment, at the time he is to be appointed in a permanent vacancy substantively on probation, or appointed in an officiating capacity in a permanent vacancy in which he is likely to be confirmed or appointed against a temporary vacancy likely to become permanent, there being every prospect of his remaining in continuous service and being confirmed in due course If there be any case in which a candidate cannot be appointed in a permanent vacancy substantively (on probation or otherwise) within a period of two years from the date of his producing the health certificate, he will be required to produce a fresh health certificate at the time of such appointment If, however, an official's attendance has been regular and he has not had to absent himself for reasons of health, and there are no grounds for suspecting his physical fitness, and if the Head of the Circle considers that a second health certificate is not really necessary in his case, the question of exempting him from the production of a fresh health certificate may be referred to the Director General for orders

[D G, P & T's memo No Es B 61 1/39, dated the 22nd June 1939]

(No 397, dated the 1st September 1939)

[illegible] as Engineering Supervisors on probation on completion of this training

[D G, P & T's letter No S A 516—2/30 dated 27th April 1931 to P M G, Burma]

(Note —The orders should be accepted as general. A. G's orders, dated 23rd June 1931 in file C R 107 IV)

See slip 366.

Page 288, S. R. 4-A—

Substitute the following for item (1) of the Director General's instruc tions under this rule —

(1) A health certificate should be obtained from a candidate eligible for permanent appointment, at the time he is to be appointed in a perma nent vacancy substantively on *probation*, or appointed in an officiating capacity in a permanent vacancy in which he is likely to be confirmed or appointed against a temporary *vacancy likely to* become permanent, *there* being every prospect of his remaining in continuous service and being confirmed in due course If there be any case in which a candidate cannot be appointed *in a permanent* vacancy substantively (on probation or otherwise) within a period of t o years from the date of his producing ed to produce a fresh health certi If, however, an official's attend- of health, and there are no grounds ~ had to absent himself for reasons and if the Head of the Circle *considers* that a second health certificate is not really necessary in his case, the question of exempting him from the production of a fresh *health* certificate may be referred to the Director General for orders

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as Engineering Supervisors on *probation* on completion of this training

[D G, P & T s letter No S A 516—2/30, dated 27th April 1931 to P M G, Burma]

(NOTE—The orders should be accepted as general. A. G's orders, dated 23rd June 1931 in file C R, 107 IV)

No. 366.

Page 288, Section IV, S R 4 A—

Insert the following as a Government of India order below this rule :—

Government of India Order (1) The Central Government have decided that before appointments are made to inferior posts in the Departments of the Government of India and their attached and subordinate offices in Simla and Delhi, the prospective appointees should be required to produce a medical certificate in the form prescribed in S R 3 from one of the Civil Surgeons at headquarters This order applies not only to substantive appointments to permanent posts but also to appointments on temporary vacancies likely to last more than six months

[G I, F D memorandum No F 7 (3) R I/39, dated the 19th January 1939]

[No 366, dated the 1st April 1939]

Slip X55

No. 556.

No. 771.

Page 288, Section IV, S. R. 4-A—

Insert the following as item (3) of Government of India's orders below this

"(3) *See* Government of India's orders below Fundamental Rule 10 in III, as inserted by correction slip No 770, dated the 28th August 1914"

(No. 771, dated the 28th Aug

[Financial Adviser (Communications) endorsement No Es B 20 1/41, dated ... March 1941]

(No 556, dated the 28th April 1941)

PART II.—ADDITIONS TO PAY

Division IV.—Drawing of compensatory allowances.

[Rules made by the Governor General in Council under Fundamental Rules 44 and 93.]

[1]S. R. 5. Save as provided by the rules in this Division, a compensatory allowance attached to a post will cease to be drawn by a Government servant when he vacates the post. General.

[2]S. R. 6 In this Division—

(a) '*Leave*' means leave taken for a period not exceeding four months, other than leave preparatory to retirement. The title to compensatory allowance will remain intact:— Drawal during leave and temporary transfer.

(i) When the original leave not exceeding four months is not subsequently extended, or, if extended, the total period … four months, throughout the period;

Page 291, Supplementary Rule 6— No. 439.

Insert the following as a Government of India decision below this rule:—

"Government of India decision.—In the case of officers in the Posts and Telegraphs Department the officers whose leave is regulated under the rules in the Civil Service Regulations should have their compensatory allowances during leave regulated under Articles 267 and 268, Civil Service Regulations."

[*F. O. (C.'s) endorsement No. E S A 6/38(80), dated the 13th December 1939.*]

[*No. 439, dated the 28th January 1940.*]

… not exceeding four … -ently ex- … other station … months. For the purpose … Subject to the limit of four months, … ance, if the temporary duty is subsequently extended … months in all, will remain intact up to the date of the orders of extension.

NOTE.—Unless in any case it be otherwise expressly provided in these rules, joining time may be added to the period of four months provided in this rule. See Cdg 439.

— *Audit Instructions*—

No. 132.

IV, S. R. 6—

… em (1)" *for* "item (4)" occurring in item (1) of the … House Finance … s below this rule. … ne 10th

(*No. 132, dated the 25th September 1936.*)

[2] This clause was revised by G. I., F. D., Correction No. 248 (S. R.), dated 4th October 1933.

[3] This sub-clause was revised by G. I., F. D., Correction No. 253 (S. R.), dated 9th December 1933.

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— Audit Instructions—

No. 132.

...tion IV, S. R. 6—

... "item (1)" *for* "item (4)" occurring in *item* (1) of the ... tions below this rule

House ... Finance ... ne 10th

(No 132, dated the 25th September 1936)

[2] This clause was revised by G I F D Correction No 248 (S R), dated 4th October 1933

[3] This sub clause was revised by G I , F D , Correction No 258 (S R.), dated 9th December 1933

October 1924, should be regulated by Supplementary Rules 6, 6 B and 6 C respectively

[Para 2, Sec II of Manual of Audit Instructions (1926)]

(3) 'Leave' as defined in Supplementary Rule 6 (*a*) includes extraordinary leave as well

[Manual of Audit Instructions (1926), No 276, dated the 1st November 1934]

See slip 513

[1]S. R 6-A. A competent authority may sanction the grant of grain compensation allowance, up to a maximum of Rs. 3 a month, to a whole-time Government servant whose pay does not exceed Rs. 30 a month, whenever from temporary causes there is a material rise in prices above the normal in the particular locality in which the servant is employed. A Government servant whose headquarters are stationed within the territories administered by a local Government or Administration which has granted grain compensation allowance to Government servants under its administrative control may draw the allowance on the same terms and conditions as those prescribed by that local Government or Administration. ~~This rule does not apply to Government servants employed in the Posts and Telegraphs Department elsewhere than in the office of the Director General, Posts and Telegraphs.~~ S 525

The allowance may be drawn—

(a) during leave, if the authority sanctioning the leave certifies that the Government servant is likely, on the expiry of the leave, to be appointed to a post to which a grain compensation allowance is attached,

(b) during temporary transfer, if

(i) the authority sanctioning the transfer certifies that the Government servant is likely, on the expiry of the temporary duty, to be appointed to a post to which a grain compensation allowance is attached; and

(ii) the Government servant draws no grain compensation allowance in the post to which he is transferred.

NOTE 1.—A Government servant whose pay exceeds Rs. 30 a month may be granted by a competent authority grain compensation allowance subject to the condition that the total of his pay and grain compensation allowance shall not exceed the total amount admissible to an officer whose pay is Rs 30.

NOTE 2.—Overtime payments, fees and pension shall be treated as pay for the purpose of this rule

NOTE 3.—The allowance is to be determined with reference to the total emoluments drawn in a month and not with reference to the rate at which pay for the month, or any part of it, is drawn.

NOTE 4.—In the case of establishments on tour, the rate of grain compensation allowance should be that sanctioned for the locality in which their headquarters lie.

[1] This revised rule has effect from the 1st April 1931

Audit Instruction —To obviate all misunderstanding the autho- body in ...3 D and ... servant ... decided ... ertificate ... g to the ... which is not originally embodied in the original order

No. 126.

Page 293, R. 6-A—

Substitute "Supplementary Rules 6-A, 6 B, 6 C, 6-D, 7 and 7-B" for "Supplementary Rules 6-A, 6-B, 6 C, 6 D and 7" occurring in lines 3-4 of Audit Instruction below this rule.

[Manual of Audit Instructions (1926), No. 309, dated the 1st August 1936]

(No 126, dated the 26th August 1936)

No. 549.

Page 293, Section IV, Supplementary Rule 6 A (as amended by correction s No 525, dated the 31st January 1941)—

Insert the following as item (2) of the Auditor General's ... this rule, numbering the ...

No: 714.

Page 293, Section IV, S. R 6-A— ... (1) of the Auditor General's decision be

this ... nt ..."

va ...

... a declaration of intention is not correct, nor would Audit be entitled to demur if a sanction not in itself unreasonably delayed does logically contain a certificate worded in the past tense"

[Auditor General's endorsement No 151 A /40 41, dated the 21st March ...

No 624.

Page 293, Section IV, S R 6-B.—*Insert* the following as Government ...

(b) the Government servant certifies either

(i) that he or his family or both continued to reside, for the period for which the allowance is claimed, in the station from which he proceeded on leave or was transferred, or

(ii) that he continued, for the period for which the allowance is claimed, to incur the whole or a considerable part of the expenditure on rent for which the allowance was granted.

NOTE 1.—(a) When a certificate is given under sub-clause (ii) above, the authority sanctioning the leave or transfer may direct that a part only of the allowance shall be drawn; and, when a certificate is given under either sub-clause (i) or sub-clause (ii), such authority may require the Government servant to satisfy it that he was unable, or could not reasonably be expected, to avoid the expenditure and may, if it is not so satisfied, direct that no part of the allowance shall be drawn.

(b) For the purposes of this certificate any expenditure on rent which is covered by receipts from a sub-lease shall not be deemed to have been incurred.

NOTE 2.—This rule does not apply to any Government servant admitted to the benefits of the Calcutta, Bombay or Rangoon House Allowance Scheme, in so far as it is inconsistent with the rules governing the scheme.

NOTE 3.—This rule does not apply when leave is granted to members of the Signalling establishment, Deputy Superintendents and members of the second division of the Superior Traffic Branch, and members of the corresponding [1][Engineering and Wireless Branches] of the Indian Posts and Telegraphs Department, and State Railway employees. For these classes of Government servants the grant of house rent allowances during leave shall be regulated by the following principles :—

(1) The head of the office will decide in each case who shall draw the allowances, the only requirement being that no extra expenditure shall be caused to Government.

(2) The absentee will draw the full allowance, when, in the chain of officiating arrangements, no house allowance is given to any Government servant who would not otherwise be in receipt of it.

(3) The absentee will draw nothing if the whole of his allowance is absorbed in the house allowances granted in the chain of arrangements to officiating Government servants.

(4) The absentee will draw the difference between his allowance and that portion of it which is absorbed in the grant of house rent allowances in the chain of arrangements to officiating Government servants.

(5) The grant of the allowance or of any part of it is in all cases subject to the condition that the absentee continues to incur during leave the whole or a considerable part of the expense on house accommodation. In cases in which a considerable part only of such expense continues to be borne by the absentee it is left to the discretion of the authority sanctioning the leave to decide whether and by how much the allowance admissible under clauses (1), (2) and (4) should be reduced.

[1][ ] Substituted for the words "Engineering Branch" by G. I., F. D., Correction No. 103 (S. R.) dated 17th March 1932.

NOTE 4.—A Telegraph Master, [1][a Telegraphist, a Wireless Operator, an Engineering or Electrical or Wireless Supervisor,] a *Deputy Superintendent of Traffic*, an Officer of the second division of the Superior Traffic Branch, a Deputy *Assistant or Assistant* Engineer or an Electrician who takes leave and although he desires to continue in *occupation of the quarters allotted* to him while on duty, is required to vacate them may *be permitted to draw compensation* in lieu thereof, if Government is not put to extra expense by the concession.

NOTE 5.—(a) In the Posts and Telegraphs Department the head of a *Circle is* empowered to sanction the grant of house rent in addition to free quarters to members of the Signalling Establishment in cases of temporary *transfers for* a maximum period of three months generally and for a maximum period of four months in the case of Telegraphists *temporarily transferred* to Calcutta for training as Baudot Supervisors, irrespective of the actual period of duration of the transfer, subject to the condition that the concession is granted in the following cases only:—

(i) When the accommodation available in the Telegraphists' *quarters* in the station to which the Government servant is temporarily transferred is less than is admissible to a Government servant of his class under the rules of the Department, and the Government servant concerned is thereby compelled to engage additional quarters; or

(ii) When a Government servant is temporarily transferred from a station or a post in which he was in receipt of house rent in lieu of quarters, at the rate admissible to a Government servant of his class under the rules of the Department, to a station or a post in which free quarters are provided, in such circumstances that accommodation ...

No 244.

Page 295, Section IV, Supplementary Rule 6 C—

Insert the following as item No (2) of Auditor General's decisions below this rule, the existing one being numbered as (1) —

"(2) The certificate prescribed by clause (a) of Supplementary Rule 6 C is unnecessary in the case of the officials of the Indian Posts and Telegraphs Department mentioned in Note 3 to that Rule The Note makes it clear that the substantive rule is not applicable to such officials"

[Auditor General's letter No 222 A/140 37, dated the 29th June 1937]

(No 244, dated the 27th November 1937)

... *house rent allowance at places where it is sanc*tioned to the Task work pe ns or other inferior servants when

No. 418.

Page 295, Section IV, S R 6 C—

Insert the following as Note 6 under this rule —

the officer

(a) actually engages a house in Calcutta during his leave for the period for which the allowance is claimed; and

(b) satisfies the requirements of this rule read as if for the words "continued to reside" in sub clause (i) and "continued" for the period for which the allowance is claimed, to incur in sub clause (ii) of clause (b) the words "resided" and "incurred" respectively were substituted."

(This amendment takes effect the 1st June 1938)

[G I, F. D. Correction No 491 ... d the 1st October 1939] ... dated the 28th O...

(b) the Government servant certifies either

(i) that he or his family or both continued to reside, for the period for which the allowance is claimed, in the station from which he proceeded on leave or was transferred, or

(ii) that he continued, for the period for which the allowance is claimed, to incur the whole or a considerable part of the expenditure on rent for which the allowance was granted.

NOTE 1.—(a) When a certificate is given under sub-clause (ii) above, the authority sanctioning the leave or transfer may direct that a part only of the allowance shall be drawn; and, when a certificate is given under either sub-clause (i) or sub-clause (ii), such authority may require the Government servant to satisfy it that he was unable, or could not reasonably be expected, to avoid the expenditure and may, if it is not so satisfied, direct that no part of the allowance shall be drawn.

(b) For the purposes of this certificate any expenditure on rent which is covered by receipts from a sub-lease shall not be deemed to have been incurred

NOTE 2 —This rule does not apply to any Government servant admitted to the benefits of the Calcutta, Bombay or Rangoon House Allowance Scheme, in so far as it is inconsistent with the rules governing the scheme

NOTE 3 —This rule does not apply when leave is granted to members of the Signalling establishment, Deputy Superintendents and members of the second division of the Superior Traffic Branch, and members of the corresponding [1][Engineering and Wireless Branches] of the Indian Posts and Telegraphs Department, and State Railway employees. For these classes of Government servants the grant of house-rent allowances during leave shall be regulated by the following principles.—

(1) The head of the office will decide in each case who shall draw the allowances, the only requirement being that no extra expenditure shall be caused to Government.

(2) The absentee will draw the full allowance, when, in the chain of officiating arrangements, no house allowance is given to any Government servant who would not otherwise be in receipt of it.

(3) The absentee will draw nothing if the whole of his allowance is absorbed in the house allowances granted in the chain of arrangements to officiating Government servants

(4) The absentee will draw the difference between his allowance and that portion of it which is absorbed in the grant of house-rent allowances in the chain of arrange ment servants

(5) T

[1][ ] S [illegible]
Correction

NOTE 4.—A Telegraph Master, [1][a Telegraphist, a Wireless Operator, an Engineering or Electrical or Wireless Supervisor,] a Deputy Superintendent of Traffic, an Officer of the second division of the Superior Traffic Branch, a Deputy Assistant or Assistant Engineer or an Electrician who takes leave and although he desires to continue in occupation of the quarters allotted to him while on duty, is required to vacate them may be permitted to draw compensation in lieu thereof, if Government is not put to extra expense by the concession.

NOTE 5.—(a) In the Posts and Telegraphs Department the head of a Circle is empowered to sanction the grant of house rent in addition to free quarters to members of the Signalling Establishment in cases of temporary transfers for a maximum period of three months generally and for a maximum period of four months in the case of Telegraphists temporarily transferred to Calcutta for training as Baudot Supervisors, irrespective of the actual period of duration of the transfer, subject to the condition that the concession is granted in the following cases only —

(i) When the accommodation available in the Telegraphists' quarters in the station to which the Government servant is temporarily transferred is less than is admissible to a Government servant of his class under the rules of the Department, and the Government servant concerned is thereby compelled to engage additional quarters; or

(ii) When a Government servant is temporarily transferred from a station or a post in which he was in receipt of house rent in lieu of quarters, at the rate admissible to a Government servant of his class under the rules of the Department, to a station or a post in which free quarters are provided, in such circumstances that accommodation [illegible]

No 244.

Page 295, Section IV, Supplementary Rule 6 C—

Insert the following as item No (2) of Auditor General's decision below this rule, the existing one *being* numbered as (1) —

"(2) [illegible] e (a) of Supplementar[illegible] Rule 6 C [illegible] icials of the Indian Post and Teleg[illegible] ote 3 to that Rule Th[illegible] is not applicable to suc[illegible] Note makes [illegible] officials"

[Auditor General's letter No 222 A/140 37, dated the 29th June 1937]

(No 244 dated the 27th November 1937)

[illegible] use rent allowance at places where it is sanctioned, to the Task work peons or other inferior servants when absent on leave should be regulated with reference to S R. 6 C.

[D G, P & T, U O No Es A 6/35 (12), dated 22nd June 1935]

(2) Under Note 3 below S R 6 C, two conditions must be satisfied, viz, (i) there should be no extra expense to Government, and (ii) the absentee should continue to incur the whole or a considerable part of the expenditure on house accommodation during leave As it is necessary for the Audit Office to satisfy itself that the conditions

[1][ ] Substituted for the words "a Telegraphist an Engineering or Electrical Supervisor", by G I, F D, Correction No 195 (S R), dated 17th March 1932

mentioned above are fulfilled before passing any house rent allowance to an officer on leave *up to a maximum of four months*, the following procedure is laid down for observance —

(a) In the case of non gazetted officials the following certificate should be given in the establishment pay bill

" Certified that no extra cost has been incurred on account of grant of house rent allowance to $\frac{\text{Telegraph Master and}}{\text{Engineering and Elec}}$ $\frac{\text{Telegraphists}}{\text{trical Supervisor}}$ on leave for whom house rent allowance has been drawn in this bill and that they continued to incur the whole or a considerable part of the expense on house accommodation during leave "

If in any case it is intended that the house rent allowance should be reduced under clause (2) of Note 3 below S R 6 C, separate orders should be issued by the authority sanctioning the leave for the information of the Audit Office

(b) With regard to gazetted officers the officiating arrangements are not always confined to one circle and are made partly by the Director General and partly by the Head of the Circle and involve officiating promotions of gazetted and non gazetted officers in one chain As in their cases it is not possible for the Head of the Office to give a correct certificate the Head of the Circle should furnish the Audit office concerned with a certificate showing the available balance of house rent allowance and the details of acting arrangements made in place of the absentee In addition to this a certificate from the officer himself to the effect that he continued to incur the whole or a considerable expense on house accommodation during leave should be furnished with the bill in which the allowance is drawn If it is intended to reduce the house-rent allowance in any case of leave sanctioned by the Head of the Circle or the Director General, intimation should be sent *to the Audit Officer*

[D G P & T s U O No Es A 6/35 (12) dated 22nd June 1935]

[1]S R 6-D A portion, not exceeding Rs 45 of an allowance granted on condition that a motor car or motor cycle is maintained, may be drawn during leave or temporary transfer if—

(i) the substantive pay of the Government servant during the period of claim does not exceed Rs 1,500,

(ii) the authority sanctioning the leave or transfer certifies that the Government servant is likely, on the expiry of the leave or temporary duty, to return to the post from which he proceeds on

1 This rule has effect from the 1st April 1931.

mentioned above are fulfilled before passing any house rent allowance to an officer on leave *up to a maximum of four months*, the following procedure is laid down for observance —

(a) In the case of non gazetted officials the following certificate should be given in the establishment pay bill

"Certified that no extra cost has been incurred on account of grant of house rent allowance to Telegraph Master and Engineering and Electrical Supervisor / Telegraphists on leave for whom house-rent allowance has been drawn in this bill and that they continued to incur the whole or a considerable part of the expense on house accommodation during leave"

If in any case it is intended that the house rent allowance should be reduced under clause (2) of Note 3 below S R 6 C separate orders should be issued by the authority sanctioning the leave for the information of the Audit Office

(b) With regard to gazetted officers the officiating arrangements are not always confined to one circle and are made partly by the Director General and partly by the Head of the Circle and involve officiating promotions of gazetted and non gazetted officers in one chain As in their cases it is not possible for the Head of the Office to give a correct certificate the Head of the Circle should furnish the Audit office concerned with a certificate showing the available balance of house rent allowance and the details of acting arrangements made in place of the absentee In addition to this a certificate from the officer himself to the effect that he continued to incur the whole or a considerable expense on house accommodation during leave should be furnished with the bill in which the allowance is drawn If it is intended to reduce the house-rent allowance in any case of leave sanctioned by the Head of the Circle or the Director General, intimation should be sent to the Audit Officer

[D. G., P. & T. s U O No Es A. 6/35 (12), dated 22nd June 1935]

[1]S. R 6-D A portion, not exceeding Rs. 45 of an allowance granted on condition that a motor car or motor cycle is maintained, may be drawn during leave or temporary transfer if—

(i) the substantive pay of the Government servant during the period of claim does not exceed Rs. 1,500;

(ii) the authority sanctioning the leave or transfer certifies that the Government servant is likely, on the expiry of the leave or temporary duty, to return to the post from which he proceeds on

1 This rule has effect from the 1st April 1931.

leave or is transferred, or to be appointed to a post in which the possession of a motor car or motor cycle, as the case may be, will be advantageous from the point of view of his efficiency; and

(iii) the Government servant certifies that he continued to maintain the vehicle, that the amount claimed was spent by him on garage hire or wages to staff or both for the period for which the amount is claimed and that the vehicle was not during that period in use by anybody.

NOTE.—The maximum allowance for a motor cycle is limited to Rs. 10.

Audit Instruction —*See* entry below S R 6 A

Auditor General's decision —*See* entry below S R 6 A

[1]S. R. 7. An allowance granted on condition that a horse or other animal is maintained may be drawn during leave or temporary transfer if—

(i) the authority sanctioning the leave or transfer certifies that the Government servant is likely, on the expiry of the leave or temporary duty, to return to the post from which he proceeds on leave or is transferred, or to be appointed to a post in which the possession of the animal will be advantageous from the point of view of his efficiency; and

(ii) the Government servant certifies that he continued to maintain the animal and that he spent the amount claimed on its upkeep during the period for which the claim is submitted

Audit Instruction —*See* entry below S R 6 A

Auditor General's decision —*See* entry below S R 6 A

[2]S. R. 7-A. A conveyance allowance to which the obligation of maintaining a motor vehicle or a horse or other animal is not attached is not admissible during leave or temporary transfer.

[1]S. R. 7-B. (1) A compensatory allowance other than an allowance for the regulation of which provision is made in any of the rules 6-A to 7-A and rule 23 may be drawn during leave or temporary transfer if—

(a) the authority sanctioning the leave or transfer certifies that the Government servant is likely, on the expiry of the leave or temporary transfer, to return to the post to which the allowance is attached or to another post carrying a similar allowance; and

(b) The Government servant certifies that he continued, for the period for which the allowance is claimed, to incur the whole or a considerable part of the expenditure for which the allowance was granted.

NOTE —The authority sanctioning the leave or transfer may direct that a part only of the allowance shall be drawn and may require the Government servant to satisfy it that he was unable, or could not reasonably be expected, to avoid the expenditure and may, if it is not so satisfied, direct that no part of the allowance shall be drawn.

[1] This rule has effect from the 1st April 1931.

[2] This rule was inserted by G I, F D, Correction No 102 (S R.) dated 13th January 1932.

[1](2) The allowance granted to light keepers for the their children may be drawn during leave, irrespective of the and nature of the leave, if the children in respect of whom th ance is drawn continue to attend the same school provided t allowance will not be admissible during leave preparatory to reti ment

S R 7 C A Government servant on joining time under Fundamental Rule 105 (a), if he is entitled to tentage while holding his old post and tentage is also attached to his new post, may draw tentage during joining time at the lower of the two rates ~~If the Government servant in his old post drew a compensatory allowance granted on account of special expensiveness of living, and the transfer is to another post carrying a similar allowance, he may draw the compensatory allowance during joining time Provided that if the rates differ in the two posts he may draw the lower rate~~ only

S R 8 A Government servant of the Persian Section of the Indo European Telegraph Department may draw house rent allowance on the conditions specified in rule 6 C for a period of one month after his permanent transfer to another station

Division V —~~Honoraria~~ Fees

SR 9 See Slip 7 of 99

~~(Rules made by the Governor General in Council under Fundamental Rule 47)~~

[2]S R 9 No Government servant may undertake work for an Indian State or a private or public body or a private person, or accept a fee therefor, without the sanction of the competent authority who, unless the Government servant is on leave, shall certify that the work can be undertaken without detriment to his official duties and responsibilities

[2]S R ~~10~~ Unless the Governor General in Council by special order otherwise directs, one third of any fee in excess of Rs 50 or, if a recurring fee, of Rs 50 a year paid to a Government servant shall be credited to general revenues

...does not apply to fees received by Government ... or other examining body in return for their ...

Orders —The intention of the rule is that if any fee to which the rule applies exceeds Rs 50 non recurring or Rs 50 a year recurring one third of the total amount payable should be credited to general revenues provided that the amount retained by the Government servant concerned will not merely owing to the operation of the rule be reduced below Rs 50 if non recurring or Rs 50 a year if recurring

[G I F D o F 1 (1) Ex II/35 dated the 13th April 1975]

~~S R 11~~ Cancelled

~~S R 12~~ Cancelled

S R 13 *Cancelled*

S R 14 *Cancelled*

S R 15 *Cancelled*

S R 16 *Cancelled* See Slip 621

[1] This rule was inserted by G I F D Correction No 200 (S R.) dated 14th June 1932.

[2] These revised rules were substituted for *Old* S R s 9 to 16 by G I F D Correction No 302 (S R.) dated the 13th October 1934

Division VI —Travelling allowances

[Rules made by the Governor General in Council under Fundamental Rule 44]

CHAPTER I.—GRADES OF GOVERNMENT SERVANTS.

SECTION I.—DISTRIBUTION INTO GRADES.

S. R. 17. For the purpose of calculating travelling al

No 621.

Page 298, Section IV, Division V, Supplementary Rules 11 a
(as *renumbered by correction slip No* 99, *dated the 25th June 193*
Insert the following as Government *of India's* decision below
rules —

"*Government of India's decision*.—See *Government* of Inc
decision below F R. 9 (8), as inserted by correction slip No 617, d
the 28th August 1942, in Section III of this Compilation"

ance is drawn continue ... (No 621, dated the 28th August 19
No. 56.

Page 298, *Section IV, S. R 7C*—

Substitute the following *for* the 2nd and 3rd sentences (lines 4-
this rule —

"If the Government servant in his old post ...

No 99

Page 298, *Section IV*, ...sion *V*—

(i) *Substitute* the follow... for the heading of this Division as
by Correction Slip No 7, da... the 18th March 1936 —

"Fees.

(Rules made by the Governor General ...

(ii) *Insert* the f..."

Division VI —Travelling allowances

[Rules made by the Governor General in Council under Fundamental Rule 44]

CHAPTER I.—GRADES OF GOVERNMENT SERVANTS.

SECTION I.—DISTRIBUTION INTO GRADES

S. R. 17. For the purpose of calculating travelling allowance, Government servants are divided into four grades as follows — General ru

(a) The first grade includes officers of the services included in the accompanying schedule and all other officers of Government in receipt of actual pay exceeding Rs 750

The Schedule.

(1) Indian Civil Service.

(2) Indian Police [1][*]

[2](3) Indian Forest Service and Officers in charge of the technical sections at the Forest Research Institute and College, Dehra Dun

(4) Indian Educational Service

[2](5) Indian Agricultural Service, the Sugarcane Expert, and the Second Cane-breeding Officer.

(6) Indian Service of Engineers (Public Works and State Railway Branches)

(7) The Indian Veterinary Service

(8) Indian Medical Service

(9) Imperial Customs Service

(10) Indian Audit and Accounts Service (Civil and Military)

(11) Superintendents and Class I of the Survey of India Department

(12) The Superior Staff of the Geological Survey of India Department

[3](13) The Superior Telegraph Engineering and Wireless Branches of the Indian Posts and Telegraphs Department

(14) The Superior Revenue Establishment of State Railways

[1] [ ] Deleted with effect from the 28th February 1933

[2] Revised by G I, F D, Correction No 276 (S R) dated the 18th April 1934

[3] Revised by G I, F D Correction No 202 (S R), dated the 14th June 1932.

(15) The Superior Staff of the Mint and Assay Departments.

(16) The Archæological Department.

(17) The Zoological Survey of India.

(18) Indian Forest Engineering Service.

[1](19) Indian Ecclesiastical Establishment.

(20) Officers holding the King's Commission whose travelling allowance is regulated under civil rules.

(21) Indian Meteorological Service [2](Class I).

(22) The Superior Gazetted Staff of the Indian Stores Department [3][other than Personal Assistants to the Controllers of Inspection, Calcutta and Bombay Circles]

(23) The Political Department of India.

The second grade includes all Government servants in receip of actual pay exceeding Rs. 200 (or, in the case of those revised rates of pay, Rs. 175) but not exceeding Rs. 75

The third grade includes all other Government servants i superior service, except police constables and fores guards.

The fourth grade includes police constables, forest guard and all Government servants in inferior service.

vernment of India's decisions—

The revised rules promulgated with the Finance Departmen tion No 854 C S R, dated the 29th May 1923, apply no only to Government servants who are subject to the Fundamenta Rules but to all whose travelling allowances are regulated unde civil rules

[G I, F D, No 1169 C S R., dated 10th July 1923]

(2) The expression "actual pay" in Supplementary Rule 1 includes all emoluments drawn under Fundamental Rule 9 (21) (a) (i), (ii) and (iii).

[G I, F D, No 1213-C S R., dated 18th July 1923]

(3) The travelling allowance of an officer, who is promoted or reverted with retrospective effect, should not be revised in respect of the period intervening between the date of promotion or reversion and that on which it is notified except when the notification implies a change of duties In the case of all bills audited before the notification appears, the Audit Office should be guided by the facts known officially at the time, but in the case of travelling allowance bills

[1] As revised by G I, F D, Correction No 333 (S R), dated the 10th June 1935

[2] ( ) Inserted by G I, F D, Correction No 211 (S R.), dated the 12th July 1932.

[3] [ ] Inserted by G I, F D, Correction No 203 (S R.), dated the 10th July 1934

[4] As revised by G I, F D Resolution No F (5) R. I /35, dated the 25th April 1935 with effect from the 1st May 1935

not presented or audited before the promotion is gazetted there is no objection to the Audit Officer recognising the retrospective effect of the notification

[G I, F D, No 963 B. B, dated 19th July 1915, and D. G Cir Tr. No. 13, dated 1st Sept. 1915.—Vide page 101 of P & T. Supplement to C. S. R.]

(4) The Government of India have decided that for purposes of travelling allowance the classification of an officiating Government ... who has no substantive appointment under Government

No. 517.

Page 301, Section IV, S. R. 17—

Insert the following as item (6) of the Government of India's decisions below this rule :—

... iates ... aken ... lmis- their attached offices detailed for night duty ... covered by the expression "actual pay" occurring in Supplementary Rule 17, the Governor General in Council has decided, in consultation with the Auditor General of India, that the remuneration when drawn for the nights of duty only and not on a monthly basis, is of the nature of honorarium and not of pay as defined in Fundamental Rule 9(21). Such allowances should, therefore, be ... "actual pay" for the purpose of ... P. & 4

No. 758.

[G. I, F. D. — ...

Page 301, *Section IV*, S. R. 17—

Insert the following as item (7) of the Government of India's decision below this rule :—

"(7). *See* item (4) of the Government of India's orders below S. R. introduced by correction slip No. 557, dated the 5th June 1944.

(No. 758, dated the 5th Jun ... certai ... and some of its attache ...

[Government of India, Finance Department, endorsement No. F. 12(15) RI/42, dated the 1st May 1942.]

(No. 611, dated the 29th June 1942.)

Code or the Supplementary Rules, ... officers for all authorised journeys on duty, whether intermediate class accommodation is available or not on the railway by which they travel

The same privilege is extended to lady clerks in respect of journeys performed by them to join their first appointments in any of these offices

[G. I, H. D, No F 281/26 Ests, dated 18th February 1927.]

(3) Military telegraphists and military operators will be allowed travelling allowance as for second grade officials

[F A, P & T's endt No 1333 Est A /29, dated 11th July 1932]

Government servants in transit from one post to another.

S. R 19. A Government servant in transit from one post to another ranks in the grade to which the lower of the two posts would entitle him.

Part-time Government servants, etc.

S. R. 20 A Government servant whose whole time is not retained for the public service, or who is remunerated wholly or partly by fees, ranks in such grade as a competent authority may, with due regard *to the Government servant's status, declare*

CHAPTER II—THE DIFFERENT KINDS OF TRAVELLING ALLOWANCE.

SECTION II.—GENERAL.

General rules.

S. R. 21. The following are the different kinds of travelling allowances which may be drawn in different circumstances by Government servants —

(a) Permanent travelling allowance.

(b) Conveyance or horse allowance

(c) Mileage allowance.

(d) Daily allowance.

(e) The actual cost of travelling.

The rules in this chapter explain the *nature of these* allowances and the method of calculating them The circumstances in which they may be drawn for particular journeys are described in Chapters III to V.

Government of India's orders—In respect of journey performed from their headquarters by military telegraphists and military operators on duties connected with the Posts and Telegraphs Department they will be granted travelling allowance at the rates admissible to civil operators and telegraphists

[F A, P & T's endt. No 1333-Est. A /29, dated 11th July 1932.]

SECTION III.—PERMANENT TRAVELLING ALLOWANCE.

S R. 22. A permanent monthly travelling allowance may be granted by a competent authority to any Government servant whose duties require him to travel extensively. Such an allowance is granted in lieu of all other forms of travelling allowance for journeys within the government servant's sphere of duty and is drawn all the year round, whether the Government servant is absent from his headquarters or not. Conditions of grant.

NOTE.—Appendix 16 contains the list of permanent travelling allowances sanctioned by the Governor General in Council in the case of certain Government servants.

[1]S R. 23. A permanent travelling allowance may not be drawn during leave, temporary transfer, or joining time or, unless in any case it be otherwise expressly provided in these rules, during any period for which travelling allowance of any other kind is drawn. When inadmissible.

S. R. 24. When a Government servant holds, either substantively or in an officiating capacity, two or more posts to each of which a permanent travelling allowance is attached, he may be granted such permanent travelling allowance, not exceeding the total of all the allowances, as a competent authority may consider to be necessary in order to cover the travelling expenses which he has to incur. Combination of posts.

SECTION IV.—CONVEYANCE AND HORSE ALLOWANCE.

S. R. 25. A competent authority may grant, on such conditions as it thinks fit to impose, a monthly conveyance or horse allowance to any Government servant who is required to travel extensively at or within a short distance from his headquarters under conditions which do not render him eligible for daily allowance. Conditions of grant.

[For a list of conveyance allowances, see Appendix 17.]

S. R. 26. Except as otherwise provided in these rules and unless the authority sanctioning it otherwise direct, a conveyance or horse allowance is drawn all the year round, is not forfeited during absence from headquarters and may be drawn in addition to any other travelling allowance admissible under these rules; provided that a Government servant, who is in receipt of a conveyance allowance specifically granted for the up-keep of a motor-car or motor-cycle, shall not draw mileage or daily allowance for a journey by the motor-car or motor-cycle except on such conditions as the authority which sanctions the conveyance allowance may prescribe. When drawn.

[1] This revised rule has effect from the 5th July 1923

deciding such questions is whether any public interest was served by the road journey which would not have been served had the officer travelled by rail, such as the saving of public time, or inspection work en route, etc

Government of India's decision — G. S. No. 572

[G I, F D No 7278 P, dated 9th Dec 1907]

Audit Instruction —The sanction of the Government of India is not required to the claim for road mileage by the Head of a Department for a journey performed by road between places connected by railway The signature of the Head of the Department on the travelling allowance bill will be sufficient for the purpose of Supplementary Rule 31 provided that the travelling allowance bill is accompanied by a statement specifying clearly the public interest served by a journey by road which would not have been served had the journey been made by railway It will be open to the audit officer to refer to the Government of India any case in which he considers that the concession has been abused

[Para 2B, Sec II of Manual of Audit Instructions (1936)]

Auditor General's decision —The question was referred to the Auditor General whether the Director General, Posts and Telegraphs, still exercises the powers given to him by the Government of India, Finance Department, No 7278 P, dated 9th December 1907, to grant the full rate of travelling allowance for journeys performed by motor car between stations connected by railway It was decided by the Auditor General that under S R 31 read with Serial No 18 of Appendix 13 and item 30 of Government of India, Finance Department Resolution No 336 C S R, dated 25th April 1922 (Appendix 14) the Director General, Posts and Telegraphs as Head of a Department has full power to allow mileage in cases of journeys by motor car between places connected by Railway provided the selection of such a route is in the interests of Government

[Ar G's letter No 437 Code/K W 122 Reforms 21, dated 7th May 1923]

Director General's Instructions—

(1) The issue of Director General's formal sanction is necessary for road mileage drawn for journeys by motor car between places connected by railway In all cases in which such journeys have to be undertaken brief particulars of the public service on account of which the charge has been unavoidably incurred should be given in the travelling allowance bills before they are submitted to the Director General for countersignature

[D G, P T No 28 B dated 13th Aug 1923]

(2) The Director General's sanction is not necessary under S R 31, for road mileage drawn for journeys between places connected by railway when the train service between those places ceases

on account of floods or strikes, as the places cannot, for the time being, be regarded as 'connected by railway

[D G P T's letter No 678 Staff B /28/Lst A, dated 30th May 1929]

Director General's orders—

(1) The Posts and Telegraphs officials may use the land route for journeys between Chiplun or Rajapur and Ratnagiri and draw travelling allowance by that route

[D G P T's No 652 Est A /29 dated 27th September 1929]

No. 102.

Page 307, S R 31—

Insert the following as item (4) of "Director General's orders" under this rule·—

"(5) Non gazetted officers of the Posts and Telegraphs Department should ordinarily be required to travel by the steamer or motor launches plying for hire in the Backwaters of Cochin and Travancore and be granted the road mileage admissible under the rules, the distance

No. 146.

Page 307, Section IV, S. R 31—

Read "item (5)" for "item (4)" and "(5)" for "(4)" occurring in the Correction Slip No. 102, dated the 25th June 1936, below this rule.

(No 146, dated the 28th October 1936)

25th September 1932]

(b) See cs p 459

[No. 1, dated the 18th March 1936]

of the journeys of all officers of the Indian Posts and Telegraphs Department

[G I I & L D No 67 P T E dated 4th July 1928]

(b) The expression 'principal post office in any station' used in the preceding paragraph should be taken to mean any post office whether head, sub or branch situated within the same station and if there are more than one post office in that station, the principal one If in any case the distance between the post office and the office to which the official concerned belongs is more than five miles, they should be considered to be in different stations In such cases the office itself should be taken to be the fixed point

Exception.

[G I I & L D letter No 67 P T E, dated 14th Jan 1929]

[1]Inserted by G I, F D, Correction No 305 (S R.), dated the 18th December 1934

(2) For the purposes of the orders contained in the "Government of India's orders" quoted above, it has been decided that Delhi and New Delhi should be considered to be different stations

[F A, P & T's letter No 713 Est A/31, dated the 5th May 1932]

[1]S. R. 32-A. A Government servant is required to travel by the class of accommodation for which travelling allowance is admissible to him. The provisions of all rules regulating mileage allowance contained in Division VI of these rules are subject to the condition that *if a Government servant travels in a lower class of accommodation*, he shall be entitled to the fare of the class of accommodation actually used *plus* the extra fare or fares admissible for the journeys of the class by which he is entitled to travel. In cases, however, in which the controlling officer is satisfied that there were sufficient reasons for the Government servant having travelled by the lower class, he may allow the full travelling allowance admissible for the higher class.

Different rates for different classes of journey

S R. 33. Mileage allowance is differently calculated, as shown in the following rules, according as the journey is, or could be, made by railway, by sea or river steamer or by road.

SUB-SECTION (II).—MILEAGE ALLOWANCES FOR JOURNEYS BY RAILWAY.

Classes of accommodation for which Government servants are considered to be eligible

S. R. 34. For the purpose of calculating mileage allowance, Government servants when travelling by railway are considered to be entitled to class accommodation according to the following scale:—

(a) *A Government servant of the first grade.*—Accommodation of the highest class, by whatever name it may be called, provided on the railway by which he travels.

(b) *A Government servant of the second grade.*—Second or, if the line by which he travels provides no second class accommodation on any train, highest class.

(c) *A Government servant of the third grade*—

(i) If travelling on the Darjeeling-Himalayan Railway except the Siliguri-Kissenganj extension; third class.

(ii) If travelling on any other railway which provides no intermediate class accommodation on any of the trains which stop at the stations to and from which he is travelling, including the Siliguri-Kissenganj extension:—

(1) where there are two classes only, lower class, and

(2) where there are three classes, second class, if his pay is not less than Rs. 100 and third class if it is less than Rs. 100.

(iii) If travelling on any railway which provides intermediate class accommodation on trains which stop at the stations to and from which he is travelling: intermediate class.

(d) *A Government servant of the fourth grade*—The lowest class whether it be called lower, third or fourth.

N.G.

[1] This new rule has effect from the 1st February 1935

Government of India's orders—Stenographer-camp clerks, to administrative officers in the various circles in the Indian Posts and Telegraphs Department whose pay is less than Rs 100 a month should, when travelling by rail, be allowed second class accommodation on trains in which intermediate class accommodation is not available The reason for the grant of this concession is that stenographer camp clerks actually accompany on tour the officers to whom they are attached and cannot be really useful to the latter if they have to travel third class by trains other than those in which the officers travel

~~[illegible]~~

No 309.

Page 309, Section IV, S R 34—

Insert the following as a Government of India's decision below this

No 751

Page 309, Section IV, S. R. 36—

[illegible] rule, as inserted by corr [illegible] further amended by corr [illegible] 651, dated the 28th January 1943 —

[illegible] se sections of [illegible] duced in place [illegible] Government [illegible]

(This amendment takes effect from the 1st January 1944)

[Government of India, Finance Department, Correction No 564 (S.P), dated the 1st March 1944]

(No 751, dated the 5th June 1944)

~~slip No 183, dated the 27th February 1937~~

No. 635.

Page 309, Section IV, Supplementary Rule 36—

Insert the following as Government of India's decision below this rule —

"*Government of India's decision* —The Governor General in Council has decided that Government servants under his rule making control are ordinarily expected, in respect of their journeys by road, otherwise than on transfer, to travel on rail *cum* road tickets issued by some of the Railways in India wherever rail *cum* road services exist and are controlled by the Railway authorities In such case the mileage allowance admissible for the road portion of the journey will be calculated as follows —

(*a*) 1½ of the single journey fare charged for the journey by road by motor car, bus or lorry, or

(*b*) where return tickets only are issued, 1½ of the return journey fare charged for the journey by road by motor car, bus or lorry —

} Subject to the maximum road mileage prescribed in Supplementary Rule 46".

[G. I, F. D, Endorsement No F. 5 (102) R I/42, dated the 26th August 1942.]

(No 635, dated the 25th September

5/40.

Where the class which Government servant is entitled not p... on th...

S. R. 37. ~~If a Government servant of the second or third grade ... train which does not provide the class of accom... be allowed to~~

No. 40.

Page 310, Section IV, S. R. 37—

Substitute the following *for* the first sentence (lines 1—7) of this rule :—

"If a Government servant of the second or third grade travels by a train which does not provide the class of accommodation to which he is entitled under rule 34, he may be allowed to draw a single railway fare of the next higher class *plus* the extra fare or fares admissible at the rate for the class by which he is entitled to travel, provided that the journey is actually performed by the higher class and the controlling officer attaches to his travelling allowance bill a certificate that it was necessary in the public interest that he should travel by the train ".

[G. I., F. D, Corr. No 353 (S R), dated 10th October 1935]

[No. 40, dated the 18th March 1936]

~~for that particular journey.~~

Audit Instruction.—This rule which reproduces the substance of Note 3 to Article 1011 of the Civil Service Regulations should be interpreted as allowing a Government servant the benefit of higher class fare for the entire journey only in cases where the Railway Company does not issue a through ticket for the class to which the Government servant is entitled for one portion of the line and for a higher class over another line or railway which does not provide accommodation of the former class.

[Para 3, Sec. II of Manual of Audit Instructions (1926)]

S. R. 39. A special rate of mileage allowance is fixed by rule 84 for certain Government servants of the State Railway and Telegraph Departments when travelling on an unopened line of railway by trolly, material train or engine.

[1]SUB-SECTION (III).—MILEAGE ALLOWANCE FOR JOURNEYS BY SEA OR BY RIVER STEAMER.

of ... ida- S. R. 40. [2][Subject to the exception below] for the purpose of calculating mileage allowance, Government servants are considered

to be entitled to class accommodation according to the following scale:— which Government servants are considered to be entitled

(a) *A Government servant of the first grade* — Highest class;

(b) *A Government servant of the second grade.*—If there be two classes only on the steamer, the higher class; and if there be more than two classes, middle or second class.

(c) *A Government servant of the third grade.* —If there be two classes only on the steamer, the lower class; if there be more than two classes, middle or second class. if there be four classes, third class;

Provided that a competent authority may direct that any Government servant whose pay does not exceed Rs. 30 is entitled, for journeys generally or for particular journeys, to accommodation in the lowest class only

(d) *A Government servant of the fourth grade.*— Lowest class.

[1]Exception.—For journeys between Bombay or Karachi and Aden by the Ships of the P. & O. Steam Navigation Company, Government servants of the second and third grades are entitled only to second or tourist class accommodation, according as the ships in which they travel contain either first and second class or first and tourist class accommodation only

Government of India's decision —The Governor General in Council has been pleased to decide that Posts and Telegraphs Officials of the 2nd and the 3rd Grades travelling by the British India Steam Navigation Company's Steamers plying between Rangoon and Madras, and Rangoon and Chittagong should be permitted to draw single fares (without diet) of II—Class 'A' or II—Class 'B' actually booked by them in addition to the extra fares, two in the case of transfers and 3/5ths in the case of tour at II—Class 'B' rate (without diet) in each case

(These orders take effect from the 1st May 1935)

[F A P & T s I 1st No S 250/64/34 dated the 21st May 1935]

Auditor General's decision —It has been decided by the Auditor General in India with the concurrence of the Government of India that for the purpose of Supplementary Rule 40 the accommodation provided on the British Indian Steam Navigation Steamers plying between Rangoon and Madras *viz* —

I—Class,

II—Class A,

II—Class B,

and Deck

should be regarded as consisting of 3 classes only I II and Deck and that II—Class B rate only should be allowed to Government servants of the 2nd and 3rd grades

[Ar G's Endt No 100 A 103 33 dated the 13th July 1933]

1 Inserted by G I, F D, Correction No 327 (S R), dated the 10th Ma 1935

Rates of mileage allowance

S. R 41. Except in the case of journeys on transfer (the rules about which are contained in Section XI), the mileage allowance admissible to a Government servant ~~of the first, second or third grade~~ is 1-3/5 the fare at the lowest rate of the class in which he is entitled to accommodation [1][provided that in the case of journeys mentioned in the exception below S R 40, Government servants of the second grade travelling in steamers containing first and accommodation only are entitled to fares chargeable for tourist clas exceed the fare chargeable for lowest grade provided in other s Navigation Company] ~~The mil~~ ~~Government servant of the fourth~~

In cases where the steamer co clusive and one exclusive of diet be held to mean fare exclus ve of

Government of India's Rule company *minus* the rebate allo not partake of the food supplied without diet which is admissibl sengers alike The fact that N in this rebate does not affect the question (I been accepted by the Government of India, Finance D partment)

[A G P F No Mis 925/J 1 II dated 25th July 1924]

Director General s Instructions —A Post and Telegraph officer of the third grade should on the occasion of a journey by the steamers of the Bombay Steam Navigation Company between Bombay and Ratnagiri nd the adjoining places be allowed to travel by the upper class and to draw under S R 41 in the case of journeys on , one upper class and 3/5ths of a lower class fare

[D G I F s letter No 258 B I /-7 dated 17th Mar 1927]

ons S R 42 In cases of doubt or in which, owing to the arrangement of classes on a steamer, the provisions of rule 40 if strictly construed involve hardship, a competent authority may decide, for journeys generally or for particular journeys, to what class of accommodation

(2) For the purpose of Supplementary Rule 40, the accommodation provided on the British India Steam Navigation Company's steamers should be regarded as consisting of ...

No. 715.

No. 754.

Page 313 Section IV, S R 46—

Insert the following as item (7) of the Government of India's decisions below this rule :—

shall, until further orders, be ...

	Rate for each mile travelled by road
To a Government servant of the first grade	Eight annas
To a Government servant of the second grade	Six annas.
To a Government servant of the third grade	Two annas and six pies
To a Government servant of the fourth grade	One anna & six pies

For the ... Volume II of the Post ... Supplementary Rules, the ra... ... tes (*i e* the rates prescribed by Supplementary Rule 46 together with the existing percentage or *ad hoc* increases) *or* the revised rates as stated above without any percentage or *ad hoc* increases, whichever are higher

(This amendment takes effect from the 1st March 1944)

[Government of India, Finance Department, Endorsement No F 5 (78)I.—R I/43, dated the 29th March 1944)

(No. 754 dated the 5th June 1944)

[Government of India, Finance Department Endorsement No F 5 (135) R I/42, 7th May 1943]

(6) See supp 715

(5) See supp 681

[No 681, dated the 28th ...

All controlling officers should demand a certificate in the following before passing a travelling allowance bill for road mileage —

I certify that I did not perform the road journeys for which ... has been claimed at the higher rate prescribed in Supplemen... Rule 46 by taking a single seat in a taxi, motor omnibus motor lorry plying for hire '

This order comes into force with effect from the 1st September 1942

[Memorandum No F 32 (16) E/42, dated the 26th August 1942 from the S... to His Excellency the Crown Representative, to the Hon'ble the Resident for C... India, copy received under G I, F D, Endorsement No D 2100 R I/42, dated 31st August 1942]

(No 634, dated the 28th September 194...

(*a*) For a Government servant of the first grade :	(*a*) For a Government servant of tl first grade :
Pay upto Rs. 750. .. Rs. 10.	Pay upto Rs. 750 .. Rs. 12-8-(
Pay exceeding Rs. 750. Rs. 10 for the first Rs. 750 *plus* 0-8-0 per Rs. 250 or fraction thereof subject to a maximum of Rs. 12-8-0.	Pay exceeding Rs. 750. Rs. 12-8-0 for the first Rs. 750 *plu* 0-8-0 per Rs. 250 or fraction thereo subject to a maximum of Rs. 15.
(*b*) For a Government servant of the second grade .	(*b*) For a Government servant of th second grade :
Four annas for every Rs. 12-8-0 of pay or fraction thereof subject to a minimum of Rs. 4 and a maximum of Rs. 8.	*Six annas for every Rs. 12-8-0 o pay or fraction thereof subject to a minimum of Rs. 6 and a maximum* of Rs. 10.
Delhi, Simla, Madras and Karachi.	*Bombay and Calcutta.*
(*c*) For a Government servant of the third grade : Four annas for every Rs. 12-8-0 of pay or fraction thereof subject to a minimum of Rs. 1-8-0	(*c*) For a Government servant of t third grade : Six annas for every Rs. 12-8-0 pay or fraction thereof subject to minimum of Rs. 2.
(*d*) For a Government servant of the fourth grade : Twelve annas.	(*d*) For a Government servant of tl fourth grade : One Rupee.

For the specially expensive localities included in Appendix 18-A in Volume I of the Posts and Telegraphs Compilation of Fundamental and Supplementar Rules, other than the six towns referred to above, the old rates of daily allowanc *plus* the existing percentage or *ad hoc* increases as the case may be, or the rates fixe in these orders for ordinary localities, whichever are higher, shall be admissible "

(This amendment takes effect from the 1st March 1944).

[Government of India, Finance Department, Endorsement No. F. 5 (78) -R.I.b dated the 29th March 1944.]

(No. 755, dated the 5th June 19

Government of India's Orders—

(1) The Government of India have sanctioned the following scale of mules for the conveyance of private effects of officers of the Posts and Telegraphs Department while on tour in the Bhamo, Myitkyina and Putao districts and in the Mogok sub division of the Katha district in Burma for a further period of one year with effect from the 1st December 1924 or for such longer period for which the Local Government may renew the sanction in respect of their officers without any modification of the existing concessions:—

Designation of officers.	Maximum number of mules allowed to each.
Postmaster General and Director, Telegraph Engineering	12
Divisional Engineer Telegraphs	10
Assistant Divisional Engineer, Telegraphs Assistant Engineer, Telegraphs	5
Deputy Assistant Engineer, 1st Class Deputy Assistant Engineer, 2nd Class	4
Engineering Supervisors on pay of Rs. 220 per mensem and over	3
Engineering Supervisors on pay less than Rs 220	2
Superintendents of Post Offices	4*
Inspectors of Post Offices	2

This concession is subject to the same conditions as have been laid down in respect of officers of the Burma Government in their letter No 416-L 23, dated 9th February 1924, and to the proviso that in accordance with the existing procedure officers supplied with free mules will be entitled to draw only daily allowances *admissible under the rules* Following the precedent set up by the local Government, Post and Telegraph officers may be allowed the option of taking either transport and daily allowances as above or travelling allowances under the ordinary rules

The Governor General in Council has declared that the orders in sub paragraphs 1 and 2 above shall remain in force for a further period of 5 months with effect from 1st January 1931 or for such longer period for which the Local Government may renew the sanction in respect of their own officers The concessions at present admissible will continue subject to the single condition that the rates of travelling allowance for journeys performed on or after 1st

No. 72.

No. 133.

Page 315, Section IV, S. R 51—

Substitute "Government of India's Orders" *for* "Government of India's decisions" occurring in correction slip No 72, dated the 18th March 1936, below this rule

(No 133, dated the 25th September 1936)

[F A, P l s No 53P T E, dated 8th April 1926]

employed in the Government of India Secretariat and in the moving and non moving attached and subordinate offices shall receive in future while on tour, a uniform rate of daily allowance of eight annas for days on which they travel by rail or steamer, and six annas per diem for other days during the tour

[G I, H D, No F 583 III Ests dated 21st October 1922 and No F 357/23 Ests, dated 11th August 1923]

(3) *See* Government of India s decisions' under Supplementary Rule 46

5/236 (4) *Audit Instruction* —The term pay occurring in Supplementary Rule 51 should be held to include, as far as Civil Officers are concerned, all the emoluments drawn under Fundamental Rule 9 (21) (*a*) (*i*), (*ii*) and (*iii*), sterling overseas pay being converted for the purpose at 1*s* 6*d* to the rupee

The *term referred to above* should, in the case of military officers in Civil employ, be held to include all the emoluments mentioned in Fundamental Rule 9 (21) (*b*)

[Para 4 Sec II of Manual of Audit Instructions (1926)]

Exceptions. **S. R. 52. A competent authority may, for reasons which should be recorded and on such conditions as it may think fit to impose, sanction for any Government servant or class of Government servants a daily allowance higher or lower than that prescribed in rule 51, if it considers that the allowance so prescribed is inadequate or excessive.**

[1]NOTE —Appendix 18 contains the list of the special rates of daily allowance sanctioned by the Governor General in Council in the case of certain Government servants. These Government servants may either draw the special rate or the rate admissible to them under the operation of Rule 51 whichever is greater.

SECTION VII.—ACTUAL EXPENSES.

Actual expenses not admissible except under specific rule — S R 53 Unless in any case it be otherwise in these rules, no Government servant is with means of conveyance by or at the to draw as travelling allowance the cost of travelling

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meeting."

[Government of India, Finance Department, Endorsement No. D-611-R. I/44, dated the 24th March 1944]

(No 743, dated the 5th June 1941)

... personal luggage, conveyances, tents and camp equipage.

S. R. 56. A competent authority may, by general or special order, direct that the ordinary rates of daily allowance or mileage allowance or both shall be increased either in a definite ratio or in any other suitable manner for any or all Government servants travelling in any specified locality in which travelling is unusually expensive. *Higher rates for journeys in expensive localities.*

[1]NOTE 1.—Appendix 18-A includes the general orders passed by competent authority under this rule. In regard to Government servant for whom special rates of daily allowance have been prescribed under Rule 52, such special rates should be taken as the ordinary rates for the purpose of this rule subject to the condition that no officer of one grade draws a higher rate of daily allowance than an officer of a higher grade in the same Department.

[2]NOTE 2.—The special rates of daily allowance for the following expensive cities are not applicable to officers touring in and about those cities under circumstances entitling them only to daily allowance, if their headquarters are situated within the limits indicated against each:—

Bombay	[illegible]
Karachi	[illegible]
Poona	[illegible]
Calcutta	[illegible] Corporation
Delhi City and Old and New Delhi	The area within the jurisdiction of Delhi and New Delhi Municipalities and Old Delhi and Fort Notified Areas.
Madras	The limits of Jurisdiction of the Madras Corporation.
[3][Dhanbad	Dhanbad town and the industrial area known as the Jharia Coalfield within the Dhanbad Sub-Division beyond the limits of the town proper.]

[1] As revised by G. I., F. D., Correction No. 300 (S. R.), dated the 10th July 1935.

[2] Inserted by G. I., F. D., Correction No. 312 (S. R.), dated the 10th January 1935.

[3] [ ] Inserted by G. I., F. D., Correction No. 323 (S. R.), dated the 10th May 1935.

Government of India's orders.—With effect from 1st April 1923, Postal Signallers may draw a special allowance of Re 1 per mile for journeys on transfer between Baltit and Misgar and *vice versa*

[G I I & L D No 67 P T E dated 20th Feb. 1923.]

Journeys by special conveyances.

S. R 57. When a Government servant of a grade lower than the first grade is required by the order of a superior authority to travel by special means of conveyance, the cost of which exceeds the amount of the daily allowance or mileage allowance admissible to him under the ordinary rules, he may draw the actual cost of travelling in lieu of such daily or mileage allowance The bill for the actual cost must be supported by a certificate, signed by the superior authority and countersigned by the controlling officer, stating that the use of the special means of conveyance was absolutely necessary and specifying the circumstances which rendered it necessary

Government of India's Orders.—Inspectors Sub-Inspectors and linemen of the Telegraph Engineering Branch when ordered out in the interests of service to attend to urgent work in connection with the *maintenance of communications* within their ordinary jurisdiction and required by a superior authority not below the rank of a Sub Divisional Officer Telegraphs to travel by special means of conveyance may be reimbursed by the Divisional Engineer Telegraphs concerned the actual cost of such conveyance up to a limit

SECTION IX.—JOURNEY ON TOUR

SUB-SECTION (I).—GENERAL RULES

S. R. 59 The headquarters of a Government servant shall be in such place as a competent authority may prescribe. *Definition of headquarters*

S. R. 60 A competent authority may define the limits of the sphere of duty of any Government servant. *Limits of sphere of duty*

S R 61 A Government servant is on tour when absent on duty from his headquarters either within or, with proper sanction, beyond his sphere of duty. *Definition of tour*

No. 438.

Page 319, Section IV, S. R. 61—

Delete the note under this rule.

[G. I., F. D. Correction No. 502 (S. R.), dated the 1st January 1940]

(No. 438, dated the 1st January 1940

... more police stations or posts

S. R. 62. In case of doubt a competent authority may decide whether a particular absence is absence on duty for the purpose of rule 61.

Director General's decision.—Absence from headquarters of officials under the Superintendent of Telegraph Workshops, Alipore, in order to proceed to out-stations to collect technical data for the manufacture of special apparatus should be regarded as absence on duty for the purpose of S. R. 61.

[D. G., P. & T.'s Memoranda No. S. B. 686/31, dated 19th October 1932 and dated 22nd October 1932.]

S. R. 63 A competent authority may impose such restrictions as it may think fit upon the frequency and duration of journeys to be ... by any Government servant or class of Government

Government of India's orders—With effect from 1st April 1928, Postal Signallers may draw a special allowance of Re 1 per mile for journeys on transfer between Baltit and Misgar and *vice versa*.

[G I, I & L. D., No 67 P T E. dated 20th Feb. 1928.]

Journeys by special conveyance.

S. R. 57. When a Government servant of a grade lower than the first grade is required by the order of a superior authority to travel by special means of conveyance, the cost of which exceeds the amount of the daily allowance or mileage allowance admissible to him under the ordinary rules, he may draw the actual cost of travelling in lieu of such daily or mileage allowance. The bill for the actual cost must be supported by a certificate, signed by the superior authority and countersigned by the controlling officer, stating that the use of the special means of conveyance was absolutely necessary and specifying the circumstances which rendered it

SECTION IX.—JOURNEY ON TOUR

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[D G, P & T's Memoranda No S B 686/31, dated 19th October 1932 and dated 22nd October 1932]

S. R. 63 A competent authority may impose such restrictions as it may think fit upon the frequency and duration of journeys to be made on tour by any Government servant or class of Government servants *Restrictions on the duration and frequency of tours*

S R 64 If a competent authority declares that the pay of a particular Government servant or class of Government servants has been so fixed as to compensate for the cost of all journeys, other than journeys by rail or steamer, within the Government servant's sphere of duty, such a Government servant may draw no travelling allowance for such journeys though he may draw mileage allowance ~~or, if he be in inferior service, travelling allowance under rule 78~~, for journeys by rail or steamer. When travelling on duty, with proper sanction, beyond his sphere of duty, he may draw travelling allowance calculated under the ordinary rules for the entire journey, including such part of it as is within his sphere of duty. *Government servants who are not entitled to travelling allowance for journeys on tour*

[*For a list showing rates of Travelling Allowance of Line-staff of the Telegraph Engineering Branch for journeys on tour see Appendix 15-A*]

[*For a list of officers who are not entitled to travelling allowance for journeys on tour see Appendix 19*]

(2) a competent authority may by general or special order, permit a Government servant whose sphere of duty extends beyond the limits of a single district to draw in addition to permanent travelling allowance whenever his actual travelling expenses for a duly authorised journey by public conveyance exceed double the amount of his permanent travelling allowance for the period occupied in such journey, the difference between such double permanent travelling allowance and the mileage allowance calculated for the journey

S R 68 When a Government servant in receipt of permanent travelling allowance travels on duty with proper sanction beyond his sphere of duty he may draw mileage allowance for the entire journey including such part of it as is within his sphere of duty, and may draw in addition permanent travelling allowance for any day of his absence for which he does not draw mileage allowance This rule does not apply to a Government servant who travels beyond his sphere of duty in the course of a journey from one place within that sphere to another such place, or to a Government servant who makes by road alone, a journey not exceeding 20 miles *Mileage allowance in exchange for permanent travelling allowance*

SUB SECTION (III) —GOVERNMENT SERVANTS NOT IN RECEIPT OF PERMANENT TRAVELLING ALLOWANCE

Sub Division (i)—Daily allowance

S R 69 Except where otherwise expressly provided in these rules, a Government servant not in receipt of permanent travelling allowance draws travelling allowance for journeys on tour in the shape of daily allowance *General rule*

S R 70 Daily allowance may not be drawn except during absence from headquarters on duty A period of absence from headquarters begins when a Government servant actually leaves his headquarters and ends when he actually returns to the place in which his headquarters are situated whether he halts there or not *Drawn during absence from headquarters on duty*

See Sub 6 (4)

S R 71 Daily allowance may not be drawn for any day on which a Government servant does not reach a point outside a radius of five miles from his headquarters or return to his headquarters from a similar point *Distance to be travelled before daily allowance is admissible*

S R 72 Subject to the conditions laid down in rules 73 and 74, daily allowance may be drawn during a halt on tour or on a holiday occurring during a tour *Halts on tour*

Government of India's orders —The Government of India have decided to reaffirm the order—

(*a*) that a Government servant who takes casual leave while on tour is not entitled to draw daily allowances during such leave and

(*b*) that daily allowance is not admissible for any day whether Sunday or holiday unless the officer is actually and not merely constructively in camp

[G I F D No F 85/C S R /26 dated 13th March 1926 and No F 19 (33) R I /31 dated 9th April 1931]

S R 73 Daily allowance may not be drawn for a continuous halt of more than ten days at any one place, provided that a competent authority may grant general or individual exemptions from the operation of this rule, on such conditions as it thinks fit, if it is satisfied—

(a) that prolonged halts are necessary in the interests of the public service, and

(b) that such halts necessitate the maintenance of camp equipage or, where no camp equipage is maintained, continue after the first ten days, to entail extra expense upon the halting Government servant

Government of India's decisions—

(1) Exemptions from the operation of Supplementary Rule 73 which prohibits the drawal of daily allowance by a Government servant for a period in excess of 10 days in respect of a halt at an outstation may be granted only in cases where the conditions prescribed in clauses (a) and (b) are satisfied and in granting such exemptions the competent authority may impose such conditions as it thinks fit One such condition is the reduction in the amount of the daily allowance that may be drawn and the principle underlying reduction is that the expense incurred by a Government servant in respect of a halt at an outstation ordinarily decreases in proportion to the length of his stay at that station This principle should be borne in mind by the authorities to whom powers under this rule have been delegated and the rate of daily allowance should be suitably reduced after the first 10 days in all cases except those which present very special features Cases in which special treatment may be justified will in addition to those of the kind mentioned in clause (b) of Supplementary Rule 73 be generally those in which the halt of a Government servant at an outstation is of uncertain duration which makes it impossible for him to arrange for more permanent and cheaper [illegible]

Page 322, S. R. 73—

Insert the following as Director General's instruction below this rule

Director General's Instruction —It has been decided with the concurren of the Finance Department that, as a *general rule*, the reductions contemplat in the Government of India's decision (1) below this rule should hencefor be regulated as follows —

(1) full rate for the first ten days,

(2) three fourth of the ordinary rate for the next twenty days, *and*

(3) *half* the ordinary rate thereafter

2. It has also been decided that, in cases in which special treatment ca

No. 361.

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Page 322 Section IV, S. R 73—

Insert the following as a " Note " below " Director General s instruction " under this rule as inserted by *Correction Slip* No 340 dated the 28th November 1938 —

" NOTE —The above orders do not affect item (3) *of the Director* General s instructions below rule 114 of the Supplementary Rules regulating the travelling allowance of officials of the Department deputed to work in place of Extra Departmental Agents ".

[Director General s memorandum No S 249/21, dated the 31st December 1938]

(No 361, dated the 1st March 1939)

ier
n-
ment servant or class of Government *servants* to draw mileage allowance instead of daily allowance for the whole period of any absence

Exchange of daily allowance for mileage allowance

No. 685.

Page 323, Section IV, S R 76—

Insert the following as Government of India's decision below this Rule —

"*Government of India's decision* —If actual places of duty fall outside the five mile radius at the outstation, road mileage allowance, limited to daily allowance unless the journey by road exceeds 20 miles, may be allowed under S R 76 (b) (ii) But if places of duty are situated in localities within the five-mile radius at the outstation, road mileage is admissible to and from the first place of duty only The above distinction of the places within a five mile radius and beyond can be made as daily allowance is a uniform allowance for each day of absence from headquarters which is intended to cover the ordinary daily charges incurred by a Government servant in consequence of such absence The ordinary daily charges can reasonably be held to include the cost of journeys within a radius of five miles from the place of halt Thus a Government servant who halts at a place for a day and draws daily allowance will not be entitled to draw mileage for journeys within five miles of his camp Similarly it may be held that when a Government servant arrives at his camp after making a railway journey and performs short journeys within five miles of his camp he is not entitled to any road mileage "

[Government of India, Finance Department, U O No 1609 R. I/43, dated the 10th June 1943].

(No 685, dated the 28th July 1943)

Government servant's headquarters [1][or temporary residence at a place of halt], mileage allowance shall be calculated on the distance actually travelled, without regard to the points fixed by or under rule 32

See slip 685

[1] [ ] Inserted by G I F D Correction No 187 (S R) dated 14th November 1931

in addition to mileage allowance or daily allowance or both, the actual cost or part of the actual cost of transporting them

NOTE 1.—In the case of a motor-car, the cost of transporting a chauffeur or cleaner, and for each horse the cost of transporting one syce and one grass-cutter may be drawn.

NOTE 2.—The term motor-cycle in this rule includes a side-car.

NOTE 3.—When a motor car is transported by steamer, the actual cost of transporting it may for purposes of this rule, include, besides the freight, other incidental charges such as ghat pass, river dues, loading and unloading charges.

(b) A competent authority may by general or special order prescribe limitations on the weight of camp equipment and the number of conveyances and animals to be carried at Government expense under clause (a) of this rule by a particular Government servant or class of Government servants

Government of India's Orders—

(1) The Government of India have delegated to Heads of Circles in the Indian Posts and Telegraphs Department the power to permit the recovery of the actual cost of conveying camp equipment, horses, camels motor cars etc., under Supplementary Rule 81 (*a*), if a scale of camp equipment and the number of conveyances and animals to be carried at Government expense has been prescribed by the Director General Posts and Telegraphs, under Supplementary Rule 81 (*b*)

The Heads of Circles should invariably obtain the Director General's orders whenever their own expenditure is involved

[G. I. [illegible] & I. D. letter No. 27 P. T. E., dated 3rd July 1928.]

NOTE.—The Head of a Circle may sanction the recovery of the actual cost of conveying a bicycle under S. R. 81 (*a*)

[[illegible] dated 21st April 1932.]

(2) The Governor General in Council has prescribed under Supplementary Rule 81 (*b*) the following scale of conveyances which officers of the Indian Posts and Telegraphs Department of different grades [illegible] Government expense —

Officers of the first grade	A horse or pony and a trap or tonga, or a motor car or a motor cycle, with or without a side car or a bicycle
Officers of the second grade on scales of pay the maximum of which—	
(*a*) is not less than Rs. 450 per mensem.	A pony or a motor car or a motor cycle, with or without a side car, or a bicycle.
(*b*) is less than Rs. 450 per mensem.	A pony or a motor cycle with or without a side car, or a bicycle.
Officers of the third and fourth grades	A bicycle

[D. G., P. & T.'s [illegible] No. [illegible] dated the 4th November 1932.]

(3) The Governor General in Council has decided that the distance to be travelled by rail or steamer or both by the officers of the Indian Posts and Telegraphs Department in order to be entitled to recover the cost of haulage of conveyance under Supplementary Rule 81 (a) should exceed 80 miles, except in cases where there are no roads connecting the two points

[F A, P T s Endt No SA/341 ESA/31 dated the 24th November 1932]

S R 82 (a) The following provisions are applicable to— Government servants whose duties require them to travel constantly by railway

(i) officers and men of railway police,

(ii) Government servants, other than train staff or running establishment, attached to open lines of State railways, including medical subordinates,

(iii) Government inspectors of railways and their establishments,

(iv) permanent way inspectors temporarily transferred from open lines to unopened construction lines, to whom the Railway Board may declare them to be applicable; and

(v) any other Government servant or class of Government servants, whose duties involve constant travelling by railway, to whom a competent authority may declare them to be applicable

(b) When such a Government servant makes a journey by railway on tour —

(i) He is entitled either to [illegible]

No. 250.

Page 327, Section IV, S R 82—

Substitute the following *for* sub rule (b) (i) of this rule —

"He is entitled to a free pass under the free [illegible]"

[G I I D Correction No 447 (S R) dated the 1st May 193[illegible]]

(No [illegible], dated the 1st May [illegible])

five miles from the point where he leaves the railway or returns to the railway from a place similarly distant, draw mileage allowance for the journey by steamer or road, in addition to daily allowance, if any, admissible under this rule ~~or under rule 58~~; provided that the time spent on the journey by steamer or road shall be deducted in calculating the duration of his absence from his headquarters.

Government of India's decision (1) It has been decided by the Governor General in Council under Supplementary Rule 82 (a) (v), that the concession by which railway privilege passes are granted to

No. 291.

Page 330, Section IV, S. R 86-A—

Substitute the word "servant" *for* the word "Orderly" occurring in line 5 of this rule.

[G I F D., Correction No 488 (S R), dated the 1st May 1938]

(No 291, dated the 1st May 1938)

rule, a Government servant of the Surve[illegible] not exchange daily allowance for mileage allowance for a journey in the field.

(b) With the sanction in each case of the Surveyor General or administrative superintendent, a Government servant in the Survey of India Department may be granted the following concessions:—

(i) He may exchange his daily allowance for mileage allowance under rule 76 for a journey in the field if he is required to travel by public or hired conveyance or if he is employed on special duty.

(ii) Whenever his actual travelling expenses for a journey to or from the field, or for any other journey on which he has to travel with camp equipment, exceed the mileage allowance calculated for the journey under the ordinary rules, he may draw such actual expenses in place of daily allowance. In calculating actual expenses, he may include the cost of transporting, whether by public or hired conveyance or otherwise, both himself and such scale of servants, baggage and camp equipment as the Governor General in Council may prescribe; provided that—

(1) in applying this rule a journey must be treated as a whole, and a Government servant may not draw actual expenses for a part of a journey and mileage allowance for the remainder; and

(2) actual expenses may not be drawn under this rule for a journey in the field by road only unless the conditions of sub-clause (i) of this clause are fulfilled.

(iii) Whenever, for such part of a month as he spends in the field, the actual cost of carrying camp equipment and baggage on the scale *prescribed under sub-clause (ii)* above exceeds half the amount of daily allowance admissible for the month, he may retain half of his daily allowance and exchange the other half for such actual cost.

(c) Actual expenses under clause (b) of this rule must be drawn on a bill prepared in detail and countersigned by the sanctioning authority.

[1] This new rule was inserted by G. I., F. D., Correction No. 176 (S. R.), dated the 7th May 1931.

Page 331, Section IV, S. R. 88 (as amended by correction slips No. 333, dated the 1st November 1938 and No. 661, dated the 28th March 1943).

" sub-clauses (*i*), (*ii*) and (*iii*) ... ters and brackets "sub-clauses ... last line of clause (*a*) (*ii*) of this Rule.

[Government of India, Finance Department, Correction No. 562 (S. R.), dated the 1st March 1944.]

(No. 749, dated the 5th June 1944).

[Government of India, Finance Department, Correction ...
(No. 661, dated the 28th March 1943.)
(No. 333, dated the 1st November 1938.)

servants of the Central Government.

No. 160.

Page 331, Section IV, S. R. 88 A—

Add the words "or *vice versa*" at the end of the first sentence and *delete* the second sentence of this rule.

[G. I., F. D. Correction No. 400 (S. R.), dated the 10th October 1936.]

(No. 160, dated the 27th November 1936.)

	Rs. a. p.		Rs. a. p.		Rs. a. p.	
Leadsmen	2 8 0	each way	6 0 0	each way	8 0 0	each way.
Mate Pilots	2 8 0	do	6 0 0	do	8 0 0	do
Master and Branch Pilots	3 0 0	do	7 8 0	do	10 0 0	do

NOTE.—Actual travelling expenses in the case of Branch, Master and Mate Pilots for joining or leaving ships at Garden Reach will be admissible only when they are ordered by the Principal Officer, Mercantile Marine Department, Calcutta District, Calcutta, to proceed to the Sandheads to supply the Pilot Station or *vice versa* to Calcutta to reinforce the Town List.

(b) A competent authority may allow actual travelling expenses to members of the Bengal Pilot Service for joining or leaving ships at any place in pilotage waters other than those mentioned in clause (a) of this rule.

Sub-Division (iii).—Travelling allowance admissible for journeys and halts within five miles of headquarters.

S. R. 89. A competent authority may, by general or special order, permit any Government servant or class of Government servants to draw the actual cost of hiring a conveyance on a journey for which no travelling allowance is admissible under these rules. Conveyance hire

[For a list of special cases in which conveyance hire has been granted, see Appendix 20.]

[1] This new rule was inserted by G. I., F. D. Correction No. 253 (S. R.) dated the 14th November 1933.

Government of India's decisions—

(1) Supplementary Rule 89 is *designed, as was Article* 1082 *of the Civil Service* Regulations, *to cover cases in which it is equitable to allow Government servants to draw* the actual *cost of conveyance* where the circumstances are not exactly covered by any other existing *rule* It is, therefore, applicable to cases in which a Government servant s transfer from one office to another within the same station is accompanied by a change in residence

[G I, F D, U O Dy No 3850 C S R, dated 17th Sept 1927]

(2) In respect of journeys performed within the radius of 5 miles from headquarters in connection with—

(*a*) visits to post offices along with the Postmaster General,

(*b*) visits paid for checking work in any particular office when necessary,

(*c*) visits to Police and District authorities in connection with departmental work, and

(*d*) visits for selection of sites for buildings and letter boxes,

a first class Head Postmaster, who is not provided with a conveyance at Government expense, may draw, with effect from the 1st January 1933, *travelling allowance at the following rates* —

(i) When he uses his own motor car	Annas three a mile
(ii) When he uses his own motor cycle	Annas two a mile
(iii) When he hires a conveyance	Actual cost of hire of the whole or part of a conveyance subject up to a limit of annas four a mile

[G I, I & L D, No 67 P T E., dated the 15th December 1928 and F A, P T s Endt No SA 367 (20)/32, dated the 14th December 1932 and even No, dated 23rd March 1933]

(3) The Government of *India have delegated to Heads of* Circles in the Indian Posts and Telegraphs Department the power to permit recovery of the actual cost of hiring a conveyance up to a limit of Rs 10 in each case when no *travelling allowance* is admissible under Supplementary Rule 89

The Heads of Circles should invariably obtain the Director General s orders whenever their own [illegible]enditure is involved

[G I, I & L D letter No 27 P [illegible] 3rd July 1928 and F A P T s endorsement No S [illegible] 21st April 1932.]

NOTE.—The limit of Rs 10 applies [illegible] cost for any one journey to and from head[illegible]ters and [illegible] [illegible]tal amount of a [illegible] several such jou[illegible]

[D [illegible] P & T s [illegible] [illegible]

(4) The Governor General in Council has delegated to the countersigning authorities subordinate to the Head of a Circle the power to permit re imbursement of the actual cost of hiring a conveyance up to a limit of Rs 5 in each case in respect of the officials under their control who are deputed within a radius of 5

No. 705

Page 333, Section IV, S R 89—

Insert the following as item (10) of "Government of India's decision" under this Rule —

"(10) The Governor General in Council is pleased to sanction the grant, as a ... non gazetted Inspecting staff of the office of the Deputy

Telegraphs Delhi (Old Secretariat Buildings) and the office of the Installation Engineer, All India Radio, New Delhi"

[Government of India, Finance Department endorsement No F 5 (68) R I /43, dated the 20th August 1943]

(No 705, dated the 28th November 1943

between the office of the Deputy Accountant General Posts and Telegraphs Delhi (Old Imperial Secretariat buildings) and the Divi

No 6.

Page 333, Section IV, S R. 89—

Insert the following as item (6) of the "Government of India's decisions" under this rule —

and charged ... the expenditure involved may be ...

No. 350

Page 333, Section IV, Supplementary Rule 89—

Insert the following as item (7) of the 'Government of India's decision" under this rule —

... Government of India's ...

No 650

Page 333, Section IV, Supplementary Rule 89—

Insert the following as item (9) of Government of India's decisions under this Rule —

(9) The Governor General in Council is pleased to sanction the grant, as special case, to the non gazetted Inspecting staff of the office of the Deputy ccountant General, Posts and Telegraphs, Delhi, of actual travelling exnses incurred by them on each occasion in connection with the annual pection of the accounts of the New Delhi Sub Post Office, subject to the ndition that the expenses will not exceed the mileage admissible for the stance between the office of the Deputy Accountant General, Posts and legraphs, Delhi (Old Secretariat Buildings) and New Delhi Sub-Post ffice"

[G I, F D, Endorsement No. F 5(127) R I/42 dated the 31st October 1942.]

10) See Sp 705

[No 650, dated the 25th January 1943.]

(b) The period of the halt or interval for which it is granted should not exceed twenty-one days in Sind or Rajputana or ten days elsewhere. An absence on duty from the halting place for less than three nights should not be treated as interrupting the halt or interval.

(c) The Government servant must certify that he has maintained the whole or part of his camp equipage during the halt or interval and that the expense of maintenance has not been less than the amount drawn. In the case of a non-gazetted or menial servant, the head of the office must certify that such maintenance was necessary.

Sub-Division (iv)—Special rules for high officials.

High officials travelling by reserved railway accommodation.

S. R. 92. When a Government servant for whom special railway accommodation is provided or who is entitled, under these rules, to reserve railway accommodation by requisition, travels in such reserved accommodation on tour:—

(a) the entire cost of haulage is borne by Government.

(b) Unless it be otherwise expressly provided in this sub-section—

[1](i) Any person travelling with the Government servant in the reserved accommodation must pay the usual fares to the railway by the purchase of first class tickets, and in every bill for travelling allowance in respect of a journey performed in reserved accommodation the Government servant reserving the accommodation must specify the number of persons who travelled with him and certify that necessary tickets were purchased by them,

(ii) if the Government servant desires additional accommodation for his staff or luggage, he must make arrangements with the railway administration for the provision of such accommodation, the haulage and other charges being met at his expense or, in the case of His Excellency the Viceroy and Governor General, from his contract allowance;

(iii) the Government servant is entitled to draw no travelling allowance for the journey unless he be entitled to permanent travelling allowance.

S. R. 93. Clause (b) (i) of rule 92 does not apply to His Excellency the Viceroy and Governor General.

S. R. 94. If it is impossible for a member of the executive council of the Governor General, when travelling by railway on duty, to arrange to travel by a train which is not a mail train, and the railway authorities are unable to attach his reserved carriage to a mail train, he is entitled to order a special train at the expense of Government.

[1] This revised sub-clause has effect from the 1st May 1934

S. R. 95. (a) A member of the executive council of the Governor General, when travelling by railway on duty, is entitled, without payment, to—

(i) accommodation for personal servants up to a maximum number of ten, and

(ii) free carriage of all luggage for which he vouches as his personal luggage, including stores carried for consump- [illegible]

No. 539

Page 335, Section IV, Supplementary Rule 95—

Insert the following Government of India's Orders below this rule :—

"*Govern* [illegible] Supplemen [illegible] a member [illegible] in the railway saloon shall not be required to purchase tickets [illegible] number together with that of the member's personal servants does not exceed ten.

[G. I., F. D., Endorsement No. F. 5 (18) R. I./41, dated the 19th February 1941.]

(No. 539, dated the 28th March 1941.)

[illegible] of the particular tour or journey, saved him expense in hiring a conveyance or served his personal convenience to an appreciable extent, he must pay one fifth of the cost of carriage

S. R. 97. A member of the executive council of the Governor General, when travelling on duty by road or steamer, may recover his actual travelling expenses, appending to his bill a certificate to the following effect:—

"I certify that I have actually paid the amount of this bill and that it does not include any charge for the freight of any stores or goods, other than any personal luggage, or any charge for refreshments, hotels or staging bungalows."

For the purposes of this rule, stores carried for consumption on tour may be treated as personal luggage.

[1]S. R. 97-A. (a) A member of the Executive Council of the Governor General, may in the public interests travel by air either in a regular air service machine if a suitable one is available or, if not, in an air taxi hired for the occasion, and may recover in respect of such journeys, the air-fare (except when it is paid by Government direct to the Company) together with the cost of transporting up to a maximum of six maunds of luggage by road, rail or steamer (at passenger rates and at owner's risk in the case of a railway journey) and railway or steamer fares without diet of the lowest class for two servants, appending to his bill a certificate to the following effect:—

"I certify that I have actually paid the amount of this bill and that it does not include any charge for the freight of any

[1] Inserted by G. I., F. D., Correction No. 340 (S. R.), dated the 10th July 1935.

(b) To the families of non-commissioned officers and men who have received permission from the Command-

No. 381.

4 *Page 338, Section IV, S.R. 109-A—*

Substitute the figure "40" *for* the figure "12" in Note I below this rule (This amendment takes effect from the 21st March 1939).

[G. I., F. D. Correction No. 477 (S. R.), dated the 1st May 1939.]

(No. 381, dated the 1st May 1939.)

Concession to members of the executive council of the Governor General

S. R. 110. When a person not already in Government service is appointed to be a member of the executive council of the Governor

No. 593.

Page 338, Section IV, S. R. 111—

Substitute the following for this Rule :—

Concession to persons appointed in Europe.

"111. Any person appointed, while resident in Europe, by the Secretary of State or by the High Commissioner for India in London on behalf of the Governor General in Council to Government service in India, may draw mileage allowance for the journey to join his first post from any port in India at which he may, with the permission of the authority appointing him, disembark."

See 593

[Government of India, Finance Department, Correction No. 536 (S. R.), dated the 1st March 1942.]

(No. 593, dated the 28th March 1942.)

Rates of travelling allowance under this section

should be calculated as for a journey ... be drawn for halts on the journeys.

S. R. 113. When mileage allowance is drawn under rules [2][105-A], 107 and 111, the rate admissible is that of the grade to which the Government servant will belong after joining his post.

Government of India's orders.—Please see item (2) of "Government of India's orders" under S. R. 18.

SECTION XI.—JOURNEYS ON TRANSFER.

General conditions of admissibility

S. R. 114. Travelling allowance may not be drawn under this section by a Government servant on transfer from one station to another unless he is transferred for the public convenience and is entitled to pay during the period occupied by the journey. A transfer at his own request [3][* * *] should not be treated as a transfer for the public convenience unless the authority sanctioning the transfer, for special reasons which should be recorded, otherwise direct.

Government of India's decisions.—

(1) Travelling allowance as for a journey on tour [as defined in item (1) of Director General's instructions under this rule] may be

[1] [ ] [illegible] with effect from the 15th August 193[illegible]

[2] [ ] [illegible] with effect from the 15th August [illegible]

[3] [ ] Deleted by G. I. F. D. Correction No. 273 (S. R.) dated the 12th February 193[illegible]

drawn by the officials of the Indian Posts and Telegraphs Department deputed from outside stations to work in casual leave vacancies in the telegraph branch of combined Post and Telegraph Offices where although the sanctioned clerical and signalling establishment *consists of more than two men it is not possible* to make local arrangements to fill up such vacancies

[G I C D Memo No 2352 dated 21st May 1920]

(2) The Governor General in Council is pleased to sanction the grant of travelling allowance to Telephone Operators and Inspectors deputed to single or two handed Telephone Exchange Offices to work in vacancies caused by the absence of officials—

(i) on casual leave

(ii) attending court as witnesses and

(iii) appearing at Departmental examinations

on the conditions and at the rates laid down in the Director General s Office memorandum No 1021 Est A /30, dated the 22nd February 1932 [item (2) of Director General s Instructions under this rule]

[F A P & T s Endst No S 249/12 dated the 13th October 1933]

No. 446.

No 639 *Page 339* Section IV, S R 114—*Insert* the following as item (8) of the Gover... ...t of India s decisions below this rule — ...d ... Exchange or off...

No. 760.

Page 339, Section IV, S R 114—

Insert the following as item (9) of the Government of India s decisions below this rule —

... here necessary ... be recruited ... mental telegraphist ... grant him ... actual cost of ... t servant of the third grade provided the telegraphist is willing to be so transferred.

During the actual period spent in transit by the quickest route, the non departmental telegraphist will be treated as on duty and will be paid the daily pay at the usual rate

[Financial Adviser (Communications) Endorsement No A-2-23/42, dated the 20th March 1944]

(No 760, dated the 5th June 1944).

(b) To the families of non-commissioned officers and men who have received permission from the Command-

No. 381.

Page 338, Section IV, S.R. 109-A—

Substitute the figure "40" *for* the figure "12" in Note I below this rule.

(This amendment takes effect from the 21st March 1939).

[G. I., F. D. Correction No. 477 (S. R.), dated the 1st May 1939.]

(No. 381, dated the 1st May 1939)

Concession to members of the executive council of the Governor General

S. R. 110. When a person not already in Government service is appointed to be a member of the executive council of the Governor

No. 593.

Page 338, Section IV, S. R. 111—

Substitute the following for this Rule :—

Concession to persons appointed in Europe

"... y the Secreta ... n behalf of t ... y draw milea ... India at whi ... embark."

[Government of India, Finance Department, Correction No. 536 (S. R.), dated the 1st March 1942.]

(No. 593, dated the 28th March 1942)

Rates of travelling allowance under this section

should be calculated as for a journey ... be drawn for halts on the journeys.

S. R. 113. When mileage allowance is drawn under rules [2][105-A], 107 and 111, the rate admissible is that of the grade to which the Government servant will belong after joining his post.

Government of India's orders.—Please see item (2) of "Government of India's orders" under S. R. 18.

SECTION XI.—JOURNEYS ON TRANSFER.

General conditions of admissibility

S. R. 114. Travelling allowance may not be drawn under this section by a Government servant on transfer from one station to another unless he is transferred for the public convenience and is entitled to pay during the period occupied by the journey. A trans-

(iv) Provided that—

(1) the distance travelled exceeds 80 miles,

(2) the Government servant is travelling to join a post in which the possession of a conveyance or horse is advantageous from the point of view of his efficiency, and

[A list of officers by whom the possession of free conveyances may be considered to be in the interests of the public service and who are entitled to recover the actual cost of transporting their conveyances on transfer under this rule is given in Appendix No 21]

(3) conveyance or horses are actually carried by rail, steamer or other craft,—

he may draw the actual cost of transporting at owner's risk conveyances and horses on the following scales·—

Grade of Government servant	Scale allowed.
First	Two horses, and a carriage or motor-car or motor-cycle
Second	A carriage and a horse, or a motor-cycle and a horse; or a motor car
Third	One horse or a motor-cycle or ordinary cycle
Fourth	Nil

NOTE 1.—In the case of a motor car, the cost of transporting a chauffeur or cleaner, and for each horse the cost of transporting one syce and one grass-cutter may be drawn

NOTE 2 —When a conveyance or a horse is transported by steamer, the actual cost of transporting it may, for purposes of this rule, include, besides the freight, other incidental charges such as ghat pass, river dues, loading and unloading charges

EXCEPTION—A Government servant who travels by a Government steamer is not entitled, for the journey by steamer, either to mileage allowance under rule 115 or to the concessions allowed by this clause. He is entitled to free transport of himself, his family, servants and their *bona fide* personal effects, and of conveyances and horses subject to the limits prescribed in sub-clause *(iv)*; and may draw in addition the daily allowance of his grade.

NOTE 3 —On occasions when a Government servant is authorised to convey his motor car or motor cycle by rail at the public expense, he may do so by passenger train or goods train at his option In the former case the actual freight charged by the Railway Company may be drawn by the Government servant. In the latter case, *i e* if the car or cycle is despatched by goods train, the Government servants may draw, in addition to the freight charged by the Railway Company, the cost of packing and of transporting the packed car or cycle to and from the goods shed at the stations of departure and arrival, provided that the total amount so drawn shall not exceed the freight charged for transporting the car or cycle by passenger train.

NOTE 4.—The concession admissible under Note 3 applies *mutatis mutandis* to a Government servant of the third grade who carries an ordinary cycle

Page 346, Section IV, S R 116(a) II—

Insert the following as a Note to this rule —

"Note —A Government servant who is carried free of charge Air Force planes to or from Gilgit is entitled to—

(a) if the family of the Government servant travel with

(i) half the mileage allowance calculated for the journe post of the Government servant only (i e. exclu family) under clause (a) II (i) of this rule, and

(ii) mileage allowance in full for personal effects in clause (a) II (iii) of this rule subject to the that any luggage taken by the Government serv him in the aeroplane should be taken into cons in allowing the maximum maundage admissible und (a) I (iii).

(b) if the family travel by road, mileage allowance in re the members of the family in terms of clause (a) of this rule, in addition to the amount admissible u above "

[G I, F D Correction No 500 (S R), dated the 1st January 1940]

S R 116.

lost or has bee without a cash the production portionate amo tion, dispense ficate to the expense actual

Note — See

Government

(1) The I authorised to drawing of actual expenses between stations connected by rail under Note 2 below ary Rule 116 (a) I (iii)

[No 436 dated the 1st Jan

[F A P & T s Endorsement No M 202/33/Coll 2, dated 7th December 1933]

(2) The Superintendents of Post Offices and Railway Mail Service and first class postmasters are authorised to permit in respect of officials under their control, the drawing of actual expenses for carriage of personal effects by road between stations connected by rail under Note 2 below Supplementary Rule 116 (a) I (iii)

(This order takes effect from 20th June 1933)

[F A P & T s Endt No M 202/33, dated 20th June 1933]

Government of India's decisions—

(1) (a) Claims preferred under S R 116(a) I(iii) for the carriage of personal effects should be paid at the owner s risk rate

[G I, F D No F /50-C S R./24, dated 15th Sep 1924]

(b) Charges for the transport of personal effects of an officer on transfer may be admitted in audit if they do not for good and sufficient reasons accompany him but are carried within a reasonable time before or after the date of his journey on transfer

[C I F D letter No 51 E B, dated 18th Jan 1915 *vide* page 120 of the Post and Telegraph Supplement to the C S R]

(2) In cases where a Government servant is transferred from Station A to Station B and is again transferred within a reasonably short time to another Station C he may be allowed under Supplementary Rule 116(a) I(iii) to recover the cost of carriage of personal effects from Station A to Station C subject to the conditions (1) that the total weight carried from Station B to Station C and from Station A to Station C does not exceed the maximum limit prescribed in the rule and (2) that the total cost of transporting the effects from Station A to Station B from Station B to Station C and from Station A to Station C does not exceed the amount admissible from Station A to Station B *plus* that admissible from Station B to Station C

G I F D No F 294 C S R /25 dated 7th Oct 1925]

(3) The principle of Supplementary Rule 30(c) should be applied in cases of transport of motor car by officers on transfer [vide S R 116 (i) I (ii) (3)] even if the officer and his car take different routes

No. 342.

Page 347, Section IV, S. R 116—

Delete sub para (b) of the Government of India's decision No (5) below this rule

[G I, F D, letter No F 5(110) R 1/38, dated the 4th November 1938]
(No 342, dated the 28th November 1938)

ministrative control in the areas under them

No. 26. ... dated 20th O t 1922

Page 347 Section IV, S R 116—

Substitute the following *for* paragraph (a) of item (5) of the 'Government of India's decisions' under this rule —

"(5) (a) When the family of a Government servant on transfer precedes or follows him and proceeds to a station other than ...

... t servant and

with reference to the date of his taking over charge at the new station "

[G I, F D, U. O. No 2201 R I-35, dated 14th September 1935, to D. G, P. & T]

[No 26, dated the 18th March 1936]

[U O I. No 135 dated ...
i le page 121 of P & T Supplement to C S R]

(6) A question was raised whether an officer transferred during the absence of his family at a hill station is entitled to claim travelling allowance for them when they subsequently join him It was decided by the Government of India that there is no objection to the grant of family travelling allowance even if the officer's family were, *at the time of his transfer, not residing with him at the same* station, provided that the journey to the new station is made within 6 months of the officer's transfer and that the amount of such travelling allowance admissible for their journey shall be actual fares or the fares between the officer's old and new stations whichever is less In such cases the higher amounts for personal effects specified in Article 1094(A) (iii) Supplementary Rule 116(a) I (iii) will be admissible

[G I, F D No 435 E B dated 5th Mar 1921]

(7) The Governor General in Council has decided that the following scale of conveyances shall supersede, in respect of officers of the Indian Posts and Telegraph ...

scale prescribed under Supplementary Rule 116 (a) I (iv) (3) in the case of transfers —

Officers of the First Grade	A hor e or pony and a trap or tonga or a motor car or a motor cycle with or without a si le car or a bicycle
Officers of the second grade on scale of pay the maximum of which —	
(a) is not le s than Rs 450 per mensem	A pony or a motor car or a motor cycle with or without a s de car, or a bicycle
(b) is less than Rs 450 per mensem	A po iy or a motor cycle with or without a si le car or a bicycle
Officers of the third and fourth grad s	

[F A P A F s Endt No SA/541

(8) The Government of India [illegible] Central Government travelling wi[illegible] Madras Government should [illegible] would be entitled to allowances [illegible] II(iii) be granted an extra singl[illegible] *lowances to compensate them f[illegible]* effects by road (Under the tra[illegible] Madras Government their officers [illegible] ance for the transport of personal [illegible] have been framed by the Local ([illegible] effects by road They are howev[illegible] Travelling Allowance Rules for [illegible] road at thrice the rates admissil[illegible] twice the rates admissible for ([illegible] Supplementary Rule 116(a) II(i) [illegible] being presumably intended to c[illegible] the cost of transpor[illegible] of personal effects by road)

[G I F D No F 180 C S R /24 dated 16th October 1924]

(9) The Government of India have decided that horses may be deemed to be part of personal effects in cases where an officer is not entitled to their transport at Government expense in addition to personal effects

[G I F D letter No F 5 (13) R I /35 dated the 26th February 1935]

(10) When free transit for himself is availed of in subsidised motor buses by a Government servant of the Posts and Telegraphs Department on transfer one mileage should be deducted from the two mileages admissible under Supplementary Rule 116 (a) II (i) The cla ms of a Government servant in respect of his family members and personal effects which are governed by Supplementary Rule 116 (a) II (ii) and (iii) respectively are not affected when the Government servant alone is allowed free transit but the total luggage carried by him both in the subsidised motor bus and otherwise should not exceed the maundage admissible under Supplementary Rule 116 (a) I (ii)

[G I F D No F 5 (19) R I /35 dated the 22nd March 1935]

Audit Instruction —A reference to family has been omitted deliberately by the Government of India from S R 32 A in view of the provision relating to actual payments in S R 116 (a) I (ii) The intention is that if the family travels in a lower class of accommodation the words actually paid in Supplementary Rule 116 (a) I (ii)

No. 75.

Page 349, Section IV, S R 116—

Insert the following as item (2) of " Audit Instructions " under this rule, the existing entry being numbered (1) —

" (2) When an officer transports more than the maximum maundage admissible under S R 116 (a) I (iii) by a cheaper route, he can draw actual charges not exceeding the amount admissible for the maximum maundage by the normal recognised route "

[Manual of Audit Instructions (1926), No 306 dated 1st February 1936]

[No 75, dated the 18th March 1936]

[Ar G s No 961 A 548 23 dated 11th Sept 1923]

(2) There is no objection to a motor car being deemed a part of personal effects [*vide* S R 116(a) I(iii)] in cases where an officer is not entitled (under Appendix 21) to its free transport in addition to personal effects

[Ar G s No 900 T dated 16th Oct 1920—pa 120 P & T Supplement to C S R]

(3) The cost of transporting a motor car or motor cycle may be allowed under Supplementary Rule 116(a) I(iv) to an officer of the Indian Audit Departm nt who is in receipt of pay of Rs 600 or over per mensem and in possession of a motor car or motor cycle before he is transferr provided the conditions prescribed in Sup

No. 442.

Page 349, Section IV Supplementary Rule 116—

Insert the f g as a sub paragraph to the Auditor General's decision

mentioned above applies also to officers on the revised

o No 2442 GBE/492 39, dated ovember 1939]

(No 442, o 28th January 1940

No 623

S R 116—Insert item (4) of

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and two lower class fares for himself *plus* an upper class fare for each member of his family accompanying him provided they actually travel by the upper class

[D G P T s letter No 258 B I/27 dated 17th Mar 1927]

(3) An officer of the Indian Posts and Telegraphs Department moving between Simla and Delhi and claiming travelling allowance under the Supplementary Rules may submit a transport contractor s receipt in support of the claim for the actual cost of transporting personal effects made by him in his travelling allowance bill In such cases the actual expenses will be limited to the amount which would be admissible for the carriage of the maximum number of maunds prescribed in S R 116 (a) I (iii) for a Government servant of his grade at the rate actually charged by the contractor and will be further limited to the amount which would have been admissible had he taken the maximum number of maunds by goods train The officer countersigning such travelling allowance bill should satisfy himself that the weight charged for in the bill was actually carried

[D G P T s letter No 605 Est A 28 dated 16th Mar 1929]

S R 116 A A Government servant ~~in superior service~~ transferred from one post to another who, under the orders of competent authority, is permitted to hand over charge of his old post or to take over charge of the new post at a place other than the headquarters is entitled to—

(1) travelling allowance as on tour from the place of handing over charge to the place of taking over,

[1](2) the difference between three fares of the class of accommodation to which his grade entitles him, limited to the lowest rate of such class of accommodation in the case of journeys by steamer, and the number of fares admissible for a journey on tour, from his old to his new headquarters, [2][in respect of journeys performed in P & O Steam Navigation Company's Steamers having first and tourist class accommodation between the places mentioned in the exception below S R 40, the "lowest rate" of the class in the case of Government servants of the second grade is the highest of those fares chargeable for tourist class accommodation which does not exceed the fare chargeable for second class accommodation of the lowest grade provided in other steamers of the P & O Steam Navigation Company]

(3) all the further concessions admissible under rule 116 (a) [3][* * *] excluding the three fares referred to in clause I (i) thereof and one half of the mileage allowance referred to in clause II (i)

[1] Revised by G I F D Correction No 227 (S R) dated the 8th December 1932

[2] [ ] Inserted by G I F D Correction No 327 (S R.) dated the 10th May 1935

[3] [ ] Deleted by G I F D Correction No 266 (S R) dated the 11th January 1934

For the journeys from his old headquarters to the place of handing over charge, or from the place of taking charge to his new headquarters he will draw travelling allowance as for journeys on tour.

S. R. 116-B. A Government servant ~~in superior service~~ whose headquarters are changed while he is on tour, and who proceeds to his new headquarters without returning to his old, is entitled to—

(1) travelling allowance as on tour for his journey up to the

[illegible] accommodation which
not exceed the fare chargeable for second class accommodation of the lowest grade provided in other steamers of the P. & O. Steam Navigation Company]

(3) all the further concessions admissible under rule 116 (a) [3][* * *] excluding the three fares referred to in clause I (i) thereof and one half of the mileage allowance referred to in clause II (i).

S. R. 116-C. If the family of a Government servant, in consequence of his transfer, travels to a station other than the new headquarters, travelling allowance for the journey of the family may be drawn subject to the condition that it does not exceed the travelling allowance that would have been admissible if the family had proceeded to the new headquarters station.

Cabinet minister

Transfer to join the post of member of the executive council of the Governor General.

S. R. 117. When a Government servant appointed to be a ~~member of the executive council~~ of the Governor General [4][* * *], travels by railway to join his post, he may, at his option, travel on the following terms, in lieu of drawing travelling allowance under the ordinary rules governing a journey on transfer:—

(a) Any accommodation which he will be entitled, under section XXI of these rules, to reserve by requisition after

[1] Revised by G I, F D, Correction No 227 (S R.), dated the 8th December 1932

[2] [ ] Inserted by G I, F D, Correction No 327 (S R.), dated the 10th May 1935

[3] [ ] Deleted by G I, F D, Correction No. 266 (S R.), dated the 11th January 1934

[4] [ ] Deleted by G I, F D, Correction No 191 (S R), dated the 13th January 1932.

and two lower class fares for himself *plus* an upper class fare for each member of his family accompanying him provided they actually travel by the upper class

[D G P T s letter No 258 B I/27, dated 17th Mar 1927]

(b) An officer of the Indian Posts and Telegraphs Department moving between Simla and Delhi and claiming travelling allowance under the Supplementary Rules may submit a transport contractor s receipt in support of the claim for the actual cost of transporting personal effects made by him in his travelling allowance bill In such cases the actual expenses will be limited to the amount which would be admissible for the carriage of the maximum number of maunds prescribed in S R 116 (a) I (iii) for a Government servant of his grade at the rate actually charged by the contractor, and will be further limited to the amount which would have been admissible had he taken the maximum number of maunds by goods train The officer countersigning such travelling allowance bill should satisfy himself that the weight charged for in the bill was actually carried

[D G P T s letter No 605 Est A /23 dated 16th Mar 1929]

S R 116-A A Government servant ~~in superior service~~ transferred from one post to another who, under the orders of competent authority, is permitted to hand over charge of his old post or to take over charge of the new post at a place other than the headquarters is entitled to—

(1) travelling allowance as on tour from the place of handing over charge to the place of taking over,

[1](2) the difference between three fares of the class of accommodation to which his grade entitles him, limited to the lowest rate of such class of accommodation in the case of journeys by steamer, and the number of fares admissible for a journey on tour, from his old to his new headquarters, [2][in respect of journeys performed in P & O. Steam Navigation Company's Steamers having first and tourist class accommodation between the places mentioned in the exception below S R 40, the "lowest rate" of the class in the case of Government servants of the second grade is the highest of those fares chargeable for tourist class accommodation which does not exceed the fare chargeable for second class accommodation of the lowest grade provided in other steamers of the P & O Steam Navigation Company]

(3) all the further concessions admissible under rule 116 (a) [3][* * *] excluding the three fares referred to in clause I (i) thereof and one half of the mileage allowance referred to in clause II (i)

[1] Revised by G I F D Correction No 227 (S R) dated the 8th December 193?

[2] [ ] Inserted by G I F D Correction No 327 (S R.) dated the 10th May 1935

[3] [ ] Deleted by G I F D Correction No 266 (S R) dated the 11th January 1934

For the journeys from his old headquarters to the place of handing over charge, or from the place of taking charge to his new headquarters he will draw travelling allowance as for journeys on tour.

S. R. 116-B. A Government servant ~~in superior service~~ whose headquarters are changed while he is on tour, and who proceeds to his new headquarters without returning to his old, is entitled to—

(1) travelling allowance as on tour for his ~~journey in~~ ...

... exceed the fare chargeable for second class accommodation of the lowest grade provided in other steamers of the P. & O. Steam Navigation Company].

(3) all the further concessions admissible under rule 116 (a) [3][* * *] excluding the three fares referred to in clause I (i) thereof and one half of the mileage allowance referred to in clause II (i).

S. R. 116-C. If the family of a Government servant, in consequence of his transfer, travels to a station other than the new headquarters, travelling allowance for the journey of the family may be drawn subject to the condition that it does not exceed the travelling allowance that would have been admissible if the family had proceeded to the new headquarters station.

Cabinet minister

S. R. 117. When a Government servant appointed to be a ~~member of the executive council~~ of the Governor General [4][* * *], travels by railway to join his post, he may, at his option, travel on the following terms, in lieu of drawing travelling allowance under the ordinary rules governing a journey on transfer:— *Transfer to join the post of member of the executive council of the Governor General.*

(a) Any accommodation which he will be entitled, under section XXI of these rules, to reserve by requisition after

[1] Revised by G I, F. D, Correction No 227 (S R), dated the 8th December 1932

[2] [ ] Inserted by G I, F D, Correction No 327 (S R.), dated the 10th May 1935

[3] [ ] Deleted by G I, F D, Correction No 266 (S R), dated the 11th January 1934

[4] [ ] Deleted by G I, F D, Correction No 191 (S R.), dated the 13th January 1932.

joining his post will, if practicable, be placed at his disposal.

(b) The charge for haulage of the reserved accommodation will be paid by Government.

(c) The Government servant must pay to Government the fare which he would have paid if no accommodation had been reserved and must, in addition, pay in cash to the station master of the station from which the journey commences the fares for any members of his family accompanying him, whether they share his reserved accommodation or not. When Government pays full tariff rates for the accommodation, all such fares will be credited to Government.

Government of India's decision —The concession admissible in the case of certain high officers under this rule was sanctioned for reasons of prestige, and as these reasons hold good even in cases where the Government servant concerned holds one of the appointments referred to in that rule in an officiating capacity, the concession is admissible in such cases also

[G I, F D, letter No F/9 (74) R I/30, dated 1st August 1930]

Audit Instruction —When once a Government servant appointed to be a Member of the Executive Council of the Governor General, ~~or a Political Resident of the first class,~~ exercises the option to be governed by the terms in S R 117, he ceases to have any claim to any of the concessions, for example, the claim of transporting his personal effects and conveyance from his old to his new station, admissible under S R 116

[Para 11A, Sec II of Manual of Audit Instructions (1926)]

S R. 118. [1][* * *]

Government servants whose duties involve constant travelling by railway

S R. 119. The Government servants specified in rule 82 may draw travelling allowance under that rule for journeys on transfer within the limits of the railway to which they are attached, and are entitled in addition, to a free pass or fares for their families, provided that they must not draw daily allowance for halts in the course of the journey unless such halts are made in connection with their duty. When transferred from one railway to another, they are entitled to travelling allowance under rules 114 to 116.

Survey of India Department

S R 120. A Government servant of the Survey of India Department may draw, at his option, for a journey on transfer either the travelling allowance prescribed in rules 114 to 116 or, if the conditions of rule 87 (b) (ii) are fulfilled, the allowance prescribed thereby

[1] [ ] Cancelled by G I F D, Correction No 191 (S R), dated the 13th January 1932

No 137

Page 353, Section IV, S R 121—

Insert the following Note below this rule — Se Sup/295

No. 256

Page 353, Section IV, S R 121—

No 295

Page 353, Section IV, S R 121—

Substitute the following for the note below this rule as inserted by correction slip No 137 dated the 26th September 1936 and amended by correction slip No 2 dated the 23rd D 7 —

tern India States Agency, Central India Agency, Baluchistan ... the

No. 585

Page 353, Section IV, S R 121—

Insert the following as Note 3 below this Rule —

" Note 3.—Permanent Government servants of the fourth grade in Ajmer Merwar ... constables are entitled to the following concessions ...

... dated the 22nd October 1941]

79 (No 586, dated the 27th January 194

(No. 531, dated the 28th February 1941)

(No 247, dated the 27th November 1937

Government servant posted to a new station on returning from long leave

S. R 126. When on return from leave, other than leave on average pay not exceeding four months, a Government servant is stationed at a headquarters other than that at which he was stationed when he went on leave, the controlling officer may permit him to recover travelling allowance under sub-clauses I (iii) and (iv) and II (iii) of rule 116 (a) as for a journey from his old to his new station.

[1] NOTE —The provisions of Note 3 to clause (a) 1 (iii) and ... to clause (a) I (iv) of Rule 118 ...

See slip 51..

No 20.

Page 354 Section IV, S R. 126-A—

... "Audit Instruction" under this rule —

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[Manual of Audit Instructions (1926), No 293, dated 2nd September 1935]

[No 20, dated the 18th March 1936]

s/2

Journey with the headquarters of a Government

S R 127. Special rules, which are not included in these rules, govern the grant of travelling allowance to Government servants moving to hill station with the headquarters of a Government.

[For a list showing the scales of travelling allowances drawn by officers of the Indian Posts and Telegraphs Department who move between the hills and plains, see Appendix No 21 A]

Government of India's Orders—

slip sub

(1) The move of the Financial Adviser, ~~Posts and Telegraphs,~~ communications with the headquarters of the Government of India should be regulated by the rules in the Simla Allowance Code

[G I, F D letter No 715 F E, dated 27th March 1924]

(2) See slip 516

Journey made under the orders of superior authority

S R 128 A Government servant, other than a Government servant moving with the headquarters of a Government, who travels on duty to a hill station within his sphere of duty or is required by the orders of a superior authority to travel to a hill station on duty, may draw travelling allowance during his absence as for a journey on tour Such a Government servant will, however, forfeit all claim to travelling allowance for the journey and halt, other than permanent travelling allowance, if he prolongs his stay at the hill station beyond a period of ten days or the period necessary for the performance of the duty on which the journey is made, whichever is less, provided

[1] Revised by G I F D Correction No 265 (S R), dated the 11th January 1934

that a competent authority may [1][by general or special order] preserve the Government servant's claim to travelling allowance by—

(a) sanctioning a halt in excess of ten days, and

(b) officially intimating that his presence was required on duty throughout the period or that he was permitted to extend his stay during holidays immediately following his period of duty.

Government of India's decisions—

(1) The Government of India observe that the restrictions imposed in Supplementary Rule 73 on the drawal of daily allowance in excess of ten days apply also to halts in hill stations in the circumstances specified in Supplementary Rule 128 The increased cost of living in hill stations is recognised by the grant of increased rate of daily allowance and the continuance of the full increased daily allowance for a period in excess of ten days merely for the reason that the halt is in a hill station will not normally be justified The instructions contained in item (1) of the Government of India's decisions under Supplementary Rule 73 should, therefore, be followed by the authorities to whom powers under Supplementary Rule 128 have been delegated when sanctioning halts in excess of ten days

[G I, F D letter No F 5 (44) R I /33, dated the 30th Sept 1933.]

(2) The instructions contained in the Government of India's decision above are not intended to apply to inferior servants

[G I, F D No 5 (44) R I /33 dated 12th May 1934]

Audit Instruction—The audit instruction under Supplementary Rule 73 should apply to cases covered by Supplementary Rule 128 also

[Para 11A Sec II of Manual of Audit Instructions (1926)]

S R 129 When a Government servant is permitted for his own convenience to perform his duties at a hill station, he is not entitled to daily allowance or mileage allowance for the journey to or from such station or for the period during which he halts at it

A Government servant performing his duties at a hill station for his own convenience.

Government of India's orders—

(1) (i) The Government of India have carefully reviewed the case of all recessing officers of the Indian Posts and Telegraphs Department in the light of orders and principles lately laid down by them and especially with respect to the following points —

(a) which officers should be allowed to recess in the hills and can do so without detriment to their official duties,

(b) at what hill station or stations the officers should be allowed to recess,

[1] [ ] Inserted by G I, F D, Correction No 329 (S R), dated the 10th May 1935

(c) for what period or periods the officers should be permitted to recess, and

(d) the dates of commencement and conclusion of the period or periods of recess

(ii) As a result of the review the Governor General in Council has been pleased to issue the following orders on the subject —

(a) The only officers of the Indian Posts and Telegraphs Department permitted to recess will be (i) Postmasters General (ii) Directors, Telegraph Engineering and (iii) Deputy Postmasters General, Postal and Telegraph Traffic

(b) the total period of recess in a year in the case of a Postmaster General will be reduced from five months to three months, that of a Director of Telegraph Engineering from three months to two months and that of a Deputy Postmaster General, Postal or Traffic from two months to one month,

Postmasters General and Directors Telegraph Engineering may recess only at the summer headquarters of the respective Local Governments In the case of Deputy Postmasters General Postal and Traffic, the station of recess will be the same as for the Postmasters General and the Directors of the respective Circles In Circle, however in which there are Postal Ranges, the Deputy Postmasters General Postal may recess at any Hill Station in their jurisdiction in British India which may be approved by the Head of the Circle if there are no Local Government summer Headquarters in their respective Ranges The Deputy Postmasters General, Traffic Central and Bengal and Assam Circles may recess at Pachmarhi and Darjeeling only and not at Mount Abu and Shillong respectively The Postmaster General Central Circle, is required to stay at Mount Abu for a period of not less than 3 weeks or more than 30 days in the year in accordance with the orders and subject to the conditions laid down in Industries and Labour Department s letter No 11 P T dated the 21st July 1923 [*vide* paragraph (vii) of this item] which will remain in force This stay of the Postmaster General Central Circle at Mount Abu is exclusive of the period named in clause (b) above,

the dates of commencement and conclusion of the period or periods of recess need not be definitely fixed but should be left to the discretion of the recessing officers concerned who should report the actual dates in advance to the Director General as well as to the respective audit

officers A Postmaster General, his Director of Telegraphs or any one of his Deputy Postmasters General should not recess at the same time without the approval of the Director General

(iii) The reductions in the *total periods* of recess ordered above have been made on general grounds and not because the privilege has been abused

(iv) The general *conditions* governing visits to hill stations on recess as laid down in Government of India Finance Department Office Memorandum Nos F 9 (81) R I /29 and F 9 (97) R I /29 dated the 22nd August 1929 and 8th *October* 1929 respectively [*vide* items (2) and (3)] *will apply* to recessing officers of the Indian Posts and Telegraphs Department subject to the exception laid down in *paragraph* (ii) (d) above

(v) The above orders will have effect in and from the current year (1932)

(vi) The Senior Deputy Director General moves to Simla *during* the summer with the Director General with some other officers of the

No 177

Page 357, Section IV, S R 129—

Substitute the following for clause (viii) (a) of item (1) of the "Government of India's orders" under this rule as introduced by correction slip No 25, dated the 18th March 1936 —

"(viii) (a) *It has been decided by the Governor General in Council that*—

(i) the period of recess of the Postmaster General, Bengal and Assam Circle, at Darjeeling should be limited to two months,

(ii) he should halt at Shillong for a period of 30 days in the year This halt should be unbroken as far as this is compatible ... *on an emergency*

No 202

Page 357, Section IV, S R 129—

Substitute the words 'for a period not exceeding thirty days" the words "for a period of thirty days' *occurring in the* first sentence of sub paragraph (ii) of clause (viii) (a) of item (1) of *the Government of India's Order* under this rule as inserted by Correction Slip No 1 dated the 27th February 1937

(F O, P & T s Endstt No S 267/8/36, dated the 12th April 1937)

(No 202, dated the 28th May 1937)

(b) halting allowance for the first ten days only of his halt at Shillong and no halting allowance thereafter whether the halt of 30 days is unbroken or not,

(c) ... tours he may ... during the period of

(F O P & T s endorsement No. S -67/8 36, dated the 21st December 1936.)

(No 177 ... the 27th February 1937)

which he may spend the recess, should be fixed by a general order of the Department concerned and communicated to the audit officer

(ii) The total period may be split up into two periods under the general or special order of the Department concerned, likewise communicated to the audit officer

(iii) The dates of commencement and conclusion of the period, or periods of recess should be fixed by the Department either annually or subject to condition (iv) for a period of years, and should be communicated by the Department to the audit officer in time to reach him before they are acted upon Any modification of these dates should be communicated promptly by the Department to the audit officer

(iv) The dates should, as far as possible, be so fixed that they will include any period during which the officer s presence is likely to be required at the hill station for the purpose of consultation, attendance at Committee Meetings, conferences or the like

(v) The officer as is laid down in Supplementary Rule 129, will draw neither daily allowance nor mileage allowance for his journeys to or from the hill station, and will draw no daily allowance for the periods of halt at the hill station

(vi) The staff accompanying the officer should be limited to one clerk or stenographer and one peon, but in special cases two peons may be allowed with previous concurrence of the Finance Department When a recess is split up into two periods the staff should be limited to one peon for the shorter of the two periods

(vii) This staff will be entitled to travelling allowance at tour rates for their journeys to and from the hill station The clerk or stenographer will be granted daily allowance at full rates for the first ten days of his halt at the hill station and at half rates thereafter The peon or peons will draw daily allowance at full rates for the entire period of halt

2 The above conditions will take effect from the 1st January 30 existing orders remaining in force meantime

3 Officers of the Central Government present in Simla during s Simla season fall into one or other of the three following cateries —

(a) Officers who for official reasons are required to move with the headquarters offices of the Government of India

(b) Officers visiting Simla on a tour of official duty

(c) "Recessing officers", i e, officers who mainly for their own convenience are permitted to take their work to Simla for part of the Simla season

Owing to shortage of accommodation and for other reasons it is important that the numbers of officers in categories (a) and (c) should be strictly limited, to what is necessary or desirable on public grounds On the other hand it is important that officers whose presence at a hill station for purposes of consultation, etc, is found to be an annual necessity, should, if other considerations permit, be classified as "recessing" officers and Departments will doubtless bear this fact in mind The classification of officers as recessing officers should be carried out with special care, and the Finance Department requests that all other Departments of the Government of India will intimate to it and to audit in due course which of the officers serving under them have been classified as "recessing officers" and which have been otherwise classified

[G I F D letter No F 9 (81) R I /29 dated 22nd Aug 1929]

(3) The Government of India have decided to lay down the *following rules to govern the travelling allowance of an officer for* journeys on tour during the period of his recess at a hill station —

(i) No travelling allowance may be drawn for a direct journey from the hill station to the officer's headquarters or *vice versâ* during the period of the recess

(ii) If journeys from headquarters to the hill station and *vice versâ* are combined with inspection the usual travelling allowance admissible for the journey may be drawn but the travelling allowance ordinarily due for a direct *journey between the permanent headquarters and the* hill station should be deducted from the total amount claimed

(iii) When tours of inspection are undertaken from the hill station where the officer is recessing travelling allowance may be drawn at the usual rates provided that the total amount involved does not exceed the amount which would have been admissible had those inspections been carried out from the officer's regular headquarters

(iv) *Journeys from a hill station to particular station and back* should not normally be undertaken When, however, such journeys are unavoidable on account of urgent Government business, travelling allowance may be drawn at the usual rates, provided that the amount does not exceed the amount which would have been admissible had the journey been made from the regular headquarters In such cases the reasons for the journeys should be recorded on the travelling allowance bill for the information of the countersigning officer, if any, and that of the Audit Officer

[G I, F D, No. F /9 (97) R. I /29, dated 6th Oct 1929]

tour, in exceptional cases, the Public Service Commission may grant them daily allowance for days of halt at the place of interview at the rates to which th

Ordinarily no who themselves Public Service C able to pay travel

[G I, F D, letter

NOTE —These ord Government servant with appointments t concerned

[G I, F

see qu 502

Rates of travelling allowance under this section.

S. R 133 T culated as for a halts on the jour

No. [illegible]

Page [illegible] Section IV, S R 133—

Insert the following as Government of India's decision under Rule —

"Government of India's decision.—The Government of India [illegible] decided that the travelling allowance admissible to officers summo[ned] [illegible] by the [illegible] Committee, for selection for [illegible] Departments cadre should be regulated as [illegible]

(i) [illegible] not entitled to free railway passes will be paid travell[ing] [illegible] and daily allowance for the days of ha[lt] [illegible] the Supplementary Rules of the Central Governme[nt] [illegible] the Provincial Government concerned acco[rding] [illegible] as they are serving under the Central or a Provin[cial] Government at the time, and

(ii) [illegible] entitled to free railway passes will be paid, under S[illegible] daily allowance for the entire perio[d] [illegible] exceeding eight conse[cutive] [illegible]"

[G] I, F D [illegible] F 23 (11) [illegible] 11/40, dated the [illegible]

SECTION XI

General rule.

S. R. 134 E ment servant is [illegible] travelling allowance f made during leave or while proceeding on or returning

Exception.

S R 135. A competent authority may, for special r should be recorded, permit any Government servant to journey of the kind specified in rule 134, travelling allo a journey on tour

High officials.

S R 136. When a member of the executive council of nor General [1][* * *] travels by railway when proce returning from leave, he may travel on the terms rule 117.

[2]S R 136-A. When a political resident of the first cla railway when proceeding on or returning from leave [3][Government servant returning from leave travels by assume charge as Political Resident of the first class], he he actually travels in a reserved first class compartment, draw xcess, if any, of the cost of reserving a first class compartment not more than four berths (or seats, where seats only are provided) over the cost of the fares for himself and any members of his family accompanying him

[1] [ ] Deleted by G I, F D, Correction No 191 (S R), dated the 13th January 1932

[2] This new rule was inserted by G I, F D, Correction No 191 (S R), dated the 13th January 1932

[3] [ ] Inserted by G I F D, Correction No 259 (S R), dated the 9th December 1933

No. 609.

Page 362, Section IV, S R 137—*Insert* the following new Rule below Supplementary Rule 136 A —

No. 703.

Page 362, Section IV, S R 137 (as inserted by correction slip No 609, dated the 28th May 1942)—

Delete the words " the Chitral Scouts " occurring in line 3 of this Rule

[Government of India, Finance Department, Correction No 554 (S R), dated the 1st August 1943]

(No 703 dated the 28th November 1943)

(No 609, dated the 28th May 1942)

(i) *Substitute* the following for clause (a) of sub paragraph (i), as numbered by item (ii) of correction slip No 96 dated the 25th June 1936 —

" (a) To all ranks proceeding on or returning from leave on medical certificate or, at intervals of not less than 5 years, other leave (including leave on average pay) free of charge Provided that, instead of third class accommodation, Subadar Majors, Inspectors, Subadars, Sub Inspectors and Jemadars are entitled to intermediate fare, or if there is no intermediate class, second class fare in the case of the first three and third class fare in the case of the other two "

(ii) *Substitute* the following for the existing ' Note ' under sub-paragraph (i) (a), as amended by correction slips Nos 272 and 382, dated the 1st March 1938 and the 1st May 1939, respectively —

" NOTE —Subadar Majors, Inspectors Subadars, Sub Inspectors and Jemadars are entitled to second class accommodation for journeys by sea, and Subadar Majors and Inspectors whose pay exceeds Rs 200 a month are entitled also to second class accommodation for journeys by river steamer and by railway "

[G I, F D, correction No 511 (S R) dated the 1st July 1940]

(No 483 dated the 28th July 1940)

... by rail are admissible —

(a) To all ranks proceeding on or returning from leave on medical certificate or, at intervals of not less

No 96

Pages 363 64 Section IV S R 141 A—

(i) Insert the words " (including leave on average pay) " after the words " other leave " occurring in line 3 of clause (a) of this rule

(ii) *Add* the following as sub paragraph (ii) of this rule the existing rule commencing with the words " Deck passages, etc " being numbered as sub paragraph (i) —

" (ii) To Sepoys proceeding on leave on average pay when the concession granted above is not admissible on account of the interval being less than five years, third class accommodation by rail is admissible free of charge for one way of the journey to or from their homes in India."

[G I, F D Corrn No 383 (S R) dated the 11th May 1936]

[No 96 dated the 25th June 1936]

[1] [ ] Cancelled by G I F D Correction ... June 1932.

NOTE.—The term "family" for the purpose of this rule includes, besides children and one wife, one relative.

(c) To the families of all ranks joining the head of the family within six months of the expiry of leave of any kind, free of charge for the deck passage, and on payment of a single fare for the railway journey.

(d) To the families of all ranks who are sent back to India *on medical advice and who cannot* be accompanied by the head of the family, free of charge for the deck passage, and on payment of a single fare for the railway journey.

Government servant recalled to duty from leave

S. R. 142. (a) When a Government servant is compulsorily recalled to duty before the expiry of his leave and the leave is thereby curtailed by not less than one month, he is entitled to draw mileage allowance for the journey from the place at which the order of recall reaches him or, if the journey involves travelling by sea, from the port at which he lands in India to the station to which he is recalled. If the period by which the leave is curtailed is less than a month, mileage allowance may be allowed at the discretion of the authority recalling the Government servant.

(b) If the Government servant recalled to duty is entitled to travelling allowance under rule 124, he may not draw mileage allowance under clause (a) unless he abandons his claims to the mileage allowance specified in rules 115 and 116 (a) I (i) and II (i).

Government of India's decision—Passage concessions to civil officers recalled from leave sanctioned in the Government of India, Finance Department, No 757 E B, dated 20th May 1921, are admissible not only in cases of recall from the United Kingdom, but in all cases of recall from leave out of India

[G I, F D No 1293 C S R, dated 18th Nov 1922]

S R. 143. If a non-gazetted Government servant, on compulsory recall from leave exceeding four months, is posted to a station other than that from which he went on leave, he may, if his pay after transfer does not exceed Rs 400 and if his new station is distant more than 200 miles from his old station, draw, in addition to the allowance admissible under rule 126, travelling allowance for his family under rule 116 for the journey from the place at which the order of recall reaches him to the new station; provided that the amount so drawn shall not exceed the amount admissible under rule 116 for the journey from the old to the new station

5/86

Travelling allowance during joining time under fundamental rule 105 (d)

S R 144. A Government servant on joining time under fundamental rule 105 (d) may draw travelling allowance for the journey as for

5/328

S. R. 145. A non-gazetted Government servant in superior service on pay not exceeding Rs. 400 a month, when proceeding on leave from or returning from leave to a place in Persia or the Persian Gulf to which he is posted, may transport his family to or from India at Government expense; provided that this concession may be granted for the journey in each direction once only in every period of four years. Concession to non-gazetted Government servants employed in Persia or the Persian Gulf.

No. 45.

Page 365, Section IV, S. R. 145—

Substitute the word "Iran" *for* the word "Persia" occurring in this rule, in the Note thereto and in the marginal heading thereagainst.

[G. I., F. D., Corr. No. 357 (S R.), dated 10th October 1935.]

[No. 45, dated the 18th March 1936.]

5/45

SECTION XV—JOURNEY ON RETIREMENT, DISMISSAL OR TERMINATION OF EMPLOYMENT.

S. R. 146. Unless in any case it be otherwise expressly provided in this section, no person is entitled to any travelling allowance for a journey made after retirement or dismissal from Government service or after the termination of such service. General restrictions.

S. R. 147. A competent authority may, for special reasons which should be recorded, permit any Government servant to draw travelling allowance for a journey of the kind mentioned in rule 146. Exception.

S. R. 148. When a ~~member of the executive council~~ of the Governor General [3][* * *] travels by railway on returning from the service or on proceeding ... Concessions to high officials.

No. 271.

Page 365, S. R. 149-A—

Insert the following new rule after S. R. 149 —

for final settlement "

[G. I., F. D., Resolution No F. 5(10) R I/38, dated the 3rd February 1938.]

[No. 271, dated the 1st March 1938]

5/271

S. R. 150. The Chief Commissioner of the Andaman and Nicobar Islands may grant to any subordinate Government servant employed in the islands a free passage to India for himself and his family on Concessions to subordinates serving in the

[1] Inserted with effect from the 14th November 1931

[2] This rule has effect from 1st April 1925

[3] [ ] Deleted by G I, F D, Correction No 191 (S R), dated the 13th January 1932

[4] Inserted by G I, F D, Correction No 191 (S R), dated the 13th January 1932

Andaman and Nicobar Islands.

dismissal or retirement. If a subordinate dies while so employed, the Chief Commissioner may similarly grant a free passage to his family.

[1]NOTE.—The provisions of this rule are also applicable in respect of themselves and their families to members of the Andaman and Nicobar Police who—

(1) take their discharge after two years' service;
(2) take their discharge after two years from their return from leave; or
(3) are discharged on account of medical unfitness after two years' service.

Concession to military officers in civil employ

S. R. 151. A departmental officer of the commissary class or a departmental warrant officer in civil employ, on retirement after service which has earned a pension or a gratuity, is entitled to the same concessions as if he were retiring from military employ.

[2]S. R. 151 A. A person temporarily employed in Government service in Gilgit or outside India, who has received travelling allowance for the journey to join his post, may, on the termination of his employment, be allowed to draw travelling allowance for the journey to any place; provided that such allowance does not exceed the travelling allowance calculated for the journey to the place at which he was engaged, that the claim to draw travelling allowance is preferred within three months of the termination of his employment and that the officer under whom he is employed is satisfied that he intends to make the journey.

S. R. 152. [3][* * *]

Rates of travelling allowance under this section.

S. R. 153. Travelling allowance under rules 147 and [4][151-A] should be calculated as for a journey on tour, but no allowance may be drawn for halts on the journeys.

SECTION XVI.—JOURNEY TO GIVE EVIDENCE OR TO ATTEND A COURT OF LAW AS ASSESSOR OR JUROR.

Journey to give evidence of facts of which he has official knowledge

S. R. 154. The following provisions apply to a Government servant who is summoned to give evidence—

(a) in a criminal case, a case before a court-martial, a civil case to which Government is a party or a departmental inquiry held by a properly constituted authority in British India, or

(b) before a court in an Indian State or in foreign territory;

provided that the facts as to which he is to give evidence have come to his knowledge in the discharge of his public duties:—

(i) He may draw travelling allowance as for a journey on tour, attaching to his bill a certificate of attendance given by the court or other authority which summoned him.

[1] Inserted by G I, F D, Correction No 218 (S R), dated the 7th October 1932

[2] This rule has effect from the 12th August 1932.

[3] [ ] Deleted by G I, F D, Correction No 216 (S R), dated the 12th August 1932

[4] [ ] Amended with effect from the 12th August 1932

(ii) When he draws such travelling allowance, he may not accept any payment of his expenses from the court or authority. Any fees which may be deposited in the court for the travell[illegible]

No. 518.

No. 708

Page 367, Section IV, S. R. 154—

Insert the following as Government of India's orders below this Rule :—

"*Government of India's orders* —The Government of India have entered int[illegible] reciprocal arrangements with the Government of Madras in regard to the payment o[illegible] the expenses of Government servants summoned by Criminal Courts to give evidenc[illegible] in their official capacity. The effect of the arrangement will be as follows —

(1) In criminal cases to which the Crown is a party, a Government servan[illegible] giving evidence regarding facts of which he has official knowledg[illegible] will on production of the certificate of attendance issued by the summonin[illegible] Court, be paid travelling allowance by the Government under whom he [illegible]

(2) I[illegible] ment of Madras according as the Court is situated in a [illegible] administered area or in the Province of Madras

(3) When a Government servant serving in a Commercial Department when any other officer is summoned to give evidence as a technical expert witness, the pay of the Government servant concerned for t[illegible] period of h[illegible] from h[illegible] headquarters and travelling allowance a[illegible] other expe[illegible] Gov[illegible] he is [illegible] which the[illegible] administer[illegible]

[G. I, H. D, Memorandum No[illegible] under Auditor General's Endorsement [illegible]

The person charged wi[illegible] enquiry is held at a place other than his headquarters expressly at his own request or if he is under suspension at the time the enquiry is held If, how ever the period of suspension is by a later order in terms of Fundamental Rule 54 declared retrospectively to be a period spent on duty then travelling allowance should *ipso facto* become admissible for a journey undertaken during the period of suspension to attend the enquiry '

See sup 708 [D G, P & T endorsement No S 98/2, dated the 19th November 1938]

(No 347, dated the 23rd Decembe[illegible]

No 136.

Page 367, S. R 155—

Insert the following below this rule :—

"*Government of India's decision* —See Government of India's decision (3) below Supplementary Rule 154."

(No. 136, dated the 25th September 1936.)

SECTION XVII.—JOURNEY TO OBTAIN MEDICAL [1][TREATMENT, ADVICE OR CERTIFICATE OR TO APPEAR BEFORE A MEDICAL BOARD].

[2]S. R 155-A. When a member of a Superior Civil Service being of non-Asiatic domicile is serving in a station where there is no medical officer appointed by Government to attend him and when such officer or a member of his family requires medical treatment or advice—

(i) travelling allowance for the journey to and from the nearest station where there is such a medical officer may be granted to the officer or member of his family, or

(ii) in the alternative, if the patient is too ill to travel, travelling allowance may be granted to the nearest such medical officer from and to his headquarters

In either case the application for travelling allowance must be supported by a certificate signed by the medical officer in question to the effect that medical treatment or advice was necessary, and, in the case of (ii), that the patient was too ill to travel. The controlling officer may require this certificate to be countersigned by the Ac ministrative Medical Officer of the Province.

EXPLANATION.—For the purposes of this rule "Superior Civil Ser vice" includes all services and posts named in the Superior Civil Servic (Revision of Pay, Passage and Pension) Rules, 1924, or declared 'superior under Section 67-A or Section 72-D of the Government of India Act

[See Slip 399]

Government of India's decisions—

(1) No travelling allowance is admissible under Supplementary Rule 155 A and 155 B for journeys performed in connection with dental treatment or advice or for journeys performed in connection with any treatment or advice other than a treatment or advice by a medical officer a physician specialist or a surgeon specialist

[G I F D, No F 9 (108) R I /29 dated 9th November 1929]

(2) Travelling allowance should not be paid to a Government servant for journeys performed by him to appear before a medical committee for obtaining a certificate of fitness to return to duty

(3)
[G I F D No F 7 (35) R I /34 dated the 21st May 1935]

[2]S R 155 B [3][In the case of a member of a Superior Civil Service of either Asiatic or non-Asiatic domicile] and members of their families, if the medical officer first consulted considers the case to be of such a serious or special nature that he is unable or unwilling to treat it, he may, with the approval of the Administrative Medical

[1] [ ] Substituted for the word 'advice' with effect from the 24th July 1933

[2] This rule takes effect from the 1st April 1928, any individual case which may have arisen after the 9th July 1926 to which this rule, if issued earlier, would have applied will be considered on its merits [G I, F D, Resolution No F 51 (87) R I /27, dated 1st May 1928]

[3] [ ] Substituted for the words 'In the case of officers to whom rule 155 A applies' with effect from the 24th July 1933

Officer of the Province, which must be secured ... cases where this ... No. 642.

Pages 368 369, Section IV, S R 155-B—Insert the words "and from" after the words "travelling allowance to" in clause (i) of this Rule

[G I., F. D, Correction No 546 (S R), dated the 1st November 1942]

(No 642, dated the 28th November 1942)

... certify that the patient is not fit to travel and that a specialist should be summoned from another station, and a certificate to this effect will authorise the specialist so called in to draw travelling allowance from and to his station.

No 400.

Page 369, S R 155 B—

Insert the following in parenthesis below this rule —

[*For extracts from the Secretary of State's Services (Me... al Attendance) Rules, 1938, see Appendix 28 of Volume II of the ... on*]

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156-A

Journey to obtain medical certificate.

...156 —

...ain anti-rabic treatment, a Govern... ...ve a station at which he falls ill and at

...owance for the journey ... This concession is admissible to a Gover... ...nt servant on leave.

Note —"Authorised medical attendant" means—

(1) in respect of a Government servant of non-Asiatic domicile—

(i) if the Government servant claims to be attended and treated by a European officer of the Indian Medical Service, the nearest such officer appointed by the Government to attend its officer of non-Asiatic domicile and stationed at one of the centres specified in the first Schedule to the Indian Medical Service (Reserved Posts) Rules, 1938;

(ii) in other cases, the Principal Medical Officer appointed by the Government to attend its officers in the district in which the Government servant falls ill, and includes a European military medical officer or other European physician or Surgeon with whom arrangements have been made by the Government to attend its officers of non-Asiatic domicile in the area in which the Government servant falls ill;

Previous permission necessary if obtainable.

(2) in respect of any other Government servant, the principal medical officer appointed by the Government to attend its officers in the district in which the Government servant falls ill."

[G I, F. D Correction No 408(S. R), dated the 1st January 1940]

...o 434, dated the 1st January 1940)

Postal officials.

[1]S. R. 158-A. Extra Departmental Agents in the Post Office, Mail Guards, Postmen, Village postmen, all inferior servants in the Post Office and Bicycle mistries, Carpenters, Linemen, and all inferior servants in the Telegraph Traffic and Telegraph Engineering Branches, may, provided their pay does not exceed Rs. 30 a month, draw actual travelling expenses for journeys undertaken in connection with their medical examination for admission to the Post Office Insurance Fund, subject to the conditions—

No. 286.

Page 370, Section IV, S. R. 158-A—

Insert the following as Government of India's decision below this rule —

"*Government of I* ... able ... eys under S. R. 158-A ... of

5/286 for medical examin ... the fact whether the insurance ...

Probationary chaplains

[G. I., F. D., Communications Branch letter No D/945-PT/38, dated the 14th March 1938.]

(No 286, dated the 1st May 1938)

Journey appear before a medical board preliminary to retirement

... servant who is directed by his official ... in the interests of the public service, to apply for an invalid pension may, if he be required to make a journey in order to appear before a medical board, draw his actual travelling expenses, subject to a maximum of the amount of travelling allowance calculated for the journey. If it be necessary for him to return to his headquarters after appearing before the medical board, he may draw his actual expense subject to the same maximum. In both cases his travelling allowance bill must be supported by a certificate that he was directed to apply for an invalid pension in the interests of the public service and that he did not voluntarily ask to retire.

(b) A competent authority may allow actual expenses, as limited by clause (a) of this rule, to be drawn by a Government servant who voluntarily applies for an invalid pension provided that the authority is satisfied that the circumstances of the applicant are such as to justify the concession.

Government of India's orders —The Heads of Circles of the Indian Posts and Telegraphs Department are authorised to allow the actual cost of a journey to appear before a medical board preliminary to voluntary retirement on invalid pension

[F A, P & T s Endt No M 202/33, dated 20th June 1933]

Auditor Generals decision —

Journey to appear before a medical board in other circumstances

S. R. 161. Except as provided in rules 157-A, 159 and 160, no travelling allowance is admissible for a journey undertaken in order to appear before a medical board.

1 This rule ...

Page 371, Section IV, S. R. 162—

Add the figure " 156-A " after the figure " 156 " in this rule.

Rates of travelling allowance under this section

[G. I., F. D. Correction No. 498(S. R.), dated the 1st January 1940.]

(No. 435, dated the 1st January 1940.)

Government of India's Orders—

(1) A telegraphist who is compelled to travel to another station in order to obtain a medical certificate in connection with his transfer from the local or station service to the general service should be granted travelling allowance for such journey as prescribed by this rule. These journeys should not, however, be undertaken without the previous permission of the controlling officer.

[G. I., I. & L. D., letter No. 67 P. T. F., dated 29th Nov. 1928.]

(2) The Divisional Engineers, Telegraphs and Wireless, are authorised to permit in respect of officials under their control the drawing of travelling allowance as for a journey on tour but without halting allowance to a Government servant required to make a journey in order to procure a medical certificate of fitness for Field Service.

[F. A., P. & T.'s Endt. No. M. 202/33/Coll. 2, dated 7th December 1933.]

(3) The Superintendents of Post Offices and Railway Mail Service and first class postmasters are authorised to permit in respect of officials under their control the drawing of travelling allowance as for a journey on tour but without halting allowance to a Government servant required to make a journey in order to procure a medical certificate of fitness for Field Service.

(This order takes effect from 20th June 1933.)
[F. A., P. & T.'s Endt. No. M. 202/33, dated 20th June 1933.]

SECTION XVIII.—JOURNEY IN ATTENDANCE ON AN INCAPACITATED GOVERNMENT SERVANT OR MEMBER OF HIS FAMILY

[1]S. R. 163. A medical officer of Government who considers that a Government servant on whom it is his duty to attend professionally should leave his station to obtain medical advice or treatment or to proceed on leave, and that it is unsafe for him to travel unattended, may, if he does not himself accompany him, arrange for an attendant to do so; and the attendant (a) if a Government servant, shall be deemed to have been travelling on duty and may draw travelling allowance for the outward and return journey as for a journey on tour, and (b) if not a Government servant, may draw actual expenses.

When the medical officer's opinion as to the necessity for the journey and for an attendant during it cannot be obtained before its commencement, a certificate from him that the journey with an attendant was necessary is sufficient for the purpose of this rule.

1 Revised by G. I., F. D., Correction No. 260 (S. R.), dated 9th December 1933.

(d) The Political Resident at Hyderbaad, for journeys within the Hyderabad State.

(e) Military Adviser-in-Chief, Indian State Forces.

(f) The Agent to the Governor General, Punjab States.

Reservation of ordinary first class carriages

S. R. 169. The Governor General in Council may grant to any Government servant the general right to reserve by requisition an ordinary first class carriage of two compartments when travelling by railway on duty. Of the Government servants to whom these rules apply, this right has been granted to the following officials:—

(a) The Political Resident at Hyderabad, when travelling elsewhere than in the Hyderabad State.

(b) The Political Resident in Mysore, when travelling elsewhere than on the Mysore State Railway and connected metre gauge lines.

(c) The Political Resident in the Persian Gulf.

(d) The Agent to the Governor General in the States of Western India.

Reservation of first class compartments

S. R. 170. The Governor General in Council may grant to any Government servant or class of Government servants the general right to reserve by requisition an ordinary first class compartment when travelling by railway on duty. Of the Government servants to whom these rules apply, this right has been granted to the following officials when making journeys by railway of over six hours' duration or journeys any part of which falls between the hours of 11 p.m. and 6 a.m.—

(a) The Auditor General.

(b) Secretaries to the Government of India and the Financial Adviser, Military Finance, including Joint Secretaries, but excluding the Secretary, Imperial Council of Agricultural Research Department.

(c) The Political Resident at Baroda.

(d) The Political Resident in Kashmir, when travelling between Sialkot and Jammu.

(e) The Educational Commissioner with the Government of India

(f) The Public Health Commissioner with the Government of India.

(g) The Director-General, Indian Medical Service.

(h) The Surveyor-General

(i) The Controller of the Currency

(j) The Chief Engineer, Telegraphs

(k) The Director General of Posts and Telegraphs.

(l) The Deputy Auditor General in India.

(m) The Members of the Central Board of Revenue.

(n) The Vice-Chairman, Imperial Council of Agricultural Research Department.

(o)

S. R. 171. (a) When for any reason an inspection carriage or a first class carriage, as the case may be, is not available for the use of a Government servant empowered under rule 168 or 169, he may reserve by requisition an ordinary first class compartment.

(b) Such a Government servant may, for any journey, at his option, reserve by requisition a first class compartment in lieu of an inspection or first class carriage.

NOTE.—For the purposes of rules 170 and 171, a first class compartment means a compartment with the smallest number of berths (or seats where seats only are provided), other than coupé compartments, available in the train by which a Government servant travels.

S. R. 172. The procedure to be followed in submitting a requisition for reserved accommodation shall be such as may be prescribed by the Railway Board. Procedure of requisition.

S. R. 173. When a Government servant travels in a carriage reserved by requisition, the carriage is entirely at his disposal and may be detached and detained at any railway station at his request. Effect of requisition of a carriage.

S. R. 174. The issue of free passes for journeys by railway is regulated by rules made in this behalf by the Railway Board. Free passes.

SECTION XXII.—TRAVELLING ALLOWANCE ADMISSIBLE WHEN THE WHOLE OR PART OF THE MEANS OF CONVEYANCE IS SUPPLIED WITHOUT CHARGE.

SUB-SECTION (I).—JOURNEYS BY RAILWAY.

S. R. 175. The travelling allowance admissible to a Government servant who makes a journey by railway in accommodation reserved by requisition is prescribed in sub-section (iv) of section IX and elsewhere in these rules. Journeys made by railway in accommoda-

No. 723. *Page 375, Section II, S. R. 176.—Insert* the following Government of India's decision below this Rule :—

"*Government of India's decision.*—Consequent on the decision of the North Western Railway authorities that the surcharge of Rs. 3 for a journey between Kalka and Simla by rail motor should also be recovered from the officers of the Posts and Telegraphs Department travelling on duty on card passes, the Governor General in Council has permitted first grade officers of the Posts and Telegraphs Department to travel by rail motors on the Kalka-Simla Section and to recover the amount of the surcharge in their travelling allowance bills provided that the journey by this mode of conveyance is necessary in the interest of public service.

The claim for the recovery of the extra charge should be supported by a certificate by the travelling officer that the journey by rail motor was necessary in the interest of service and the certificate should be countersigned by the controlling Officer."

[Financial Adviser (Communications') Endorsement No. S. 249-23/43, dated the 23rd December 1943.]

(No. 723, dated the 28th March 1944.)

Director General's Instructions.—A railway pass issued to an officer of this Department allows the free transit of one or two servants according as the pass is a second or a first class one, respectively. In his travelling allowance bill the officer has to deduct the value of the servant's fare or fares he would other-

(ii) if the journey is between places not connected by rail or steamer draw the daily allowance of his grade or half the mileage allowance calculated for the journey.

If, however, a part of the journey is performed by other means of locomotion, he may, in addition to the allowances admissible under sub-clause (i) or (ii) above, draw the mileage allowance admissible for that part subject to the conditions laid down in sub-clauses (i) and (ii) of clause (b) of rule 76.

SUB-SECTION (III)—OTHER JOURNEYS.

Free transit by boat, road, etc

S. R. 182 Except where otherwise expressly provided in these rules, when, on a journey other than a journey by railway or by sea or river steamer, a Government servant uses a means of locomotion provided at the expense of Government, a local fund or an Indian State, and does not pay the cost of its use or propulsion, he is entitled to travelling allowance as follows —

(a) If he has not to provide separate conveyance at his own expense for his servants or luggage, he may draw the daily allowance of his grade and may not exchange it for mileage allowance If, however, part of the journey is made by other means of locomotion, he may at his option draw in lieu of daily allowance the mileage allowance admissible for that part

(b) If he has to provide separate conveyance at his own expense for his servants or luggage, he may, if the conditions of rule 76 or 77 are fulfilled, exchange his daily allowance for half the mileage allowance calculated for the journey and draw in addition the mileage allowance admissible for any part of the journey made by other means of locomotion

Government of India's decision—See item (10) of "Government of India's decisions" under S R 116

Audit Instruction—When a Government servant performs a journey other than a journey by railway or by sea or river steamer, by a means of locomotive provided at the expense of an Indian state and does not pay the cost of its use or propulsion, and when such a journey is combined with a journey by railway the allowance admissible to him should be regulated in accordance with Supplementary Rule 76 modified in respect of the journey other than the Railway journey with reference to the provisions of Supplementary Rule 182

[Para 12 Sec II of Manual of Audit Instructions (1926)]

When the Government servant pays the cost of propulsion

S R 183 When a Government servant is provided with means of locomotion as in rule 182, but pays all the cost of its use or propulsion, he may draw travelling allowance under the ordinary rules, subject to the deduction of such fixed hire or charge as a competent authority may fix

Exceptions

S R 184 The provisions of rules 182 and 183 do not apply to a Government servant of the fourth grade or to any other Government

servant or class of Government servants to whom a competent authority may declare them to be inapplicable.

They do not apply to Government servants who are provided with elephants required for the conduct of professional operations and not for their private use.

[*For a list of Government servants to whom Supplementary Rules 182 and 183 have been declared to be inapplicable, see Appendix 23*.]

Audit Instruction.—The intention underlying Supplementary Rule 184 is that Government servants of the fourth grade, when they use means of locomotion provided at the expense of Government, should be entitled to travelling allowance under Supplementary Rules 69, 71, 77 and 78.

[Para 12, Sec. II of Manual of Audit Instructions (1926).]

Director General's Instructions.—No fourth class officer may, for a journey by road not exceeding 20 miles, exchange his daily allowance for mileage when the means of locomotion are provided at the expense of Government, Local Fund or an Indian State.

[D. G. P. T.'s letter No. S. 249/12, dated 17th April 1935.]

S. R. 185. A Government servant, who travels by a motor-car which has been supplied to him at the expense of Government on the condition that he himself bears the ordinary cost of maintenance, may draw travelling allowance as for a journey on tour, but the amount of the mileage allowance which he may draw is limited by the following conditions:— Journeys by Government motor car.

(a) If he travels by the motor-car more than 20 miles in one day, he may draw for the first 20 miles the mileage allowance of his grade and for the remainder of the journey three-fourths of such mileage allowance.

(b) If he combines with a journey by the motor-car a road journey by other conveyance, he may draw the mileage allowance admissible for the first 20 miles or for the journey by other conveyance, whichever is greater, and for the remainder of the journey three-fourths of such mileage allowance.

(c) If he combines with a journey by road, whether made wholly or partly in the motor-car, a journey by railway or steamer, he may draw mileage allowance for the journey by railway or steamer in addition to the allowances admissible under clauses (a) and (b) of this rule for the journey by road.

S. R. 186. The chauffeur of a motor-car supplied at the expense of Government, when making a journey by road on the motor-car in his charge, may draw travelling allowance under the provisions of rule 182 (a) if the journey involves an absence of at least one night from his headquarters. For a journey which does not involve such an absence he is entitled to no travelling allowance. Chauffeurs of Government motor-cars

No. 442.

G[illegible] IV, Supplementary Rule 191—

(1 [illegible] Government of India's declarations below this partn[illegible] Finance Depart ance [illegible]

No. 506.

[illegible] Section IV, Supplementary Rule 191—

[illegible] "Financial Adviser, Communications" for the [illegible] "Finance Officer, Communications" occurring in item (4) of the [illegible] declarations below this Rule, as amended by [illegible] No. 243, dated the 27th November 1937.

[illegible] Finance Department, endorsements No F 9 (5) E [illegible] dated the 4th July 1940] [illegible] No F. 9 (5) Ex II, 40, dated the 4th July 1940]

(No. 506, dated the 25th September 194

Fo[illegible] clare [illegible] February 1940) [illegible] February 1934 and [illegible] April 1936] [illegible] 27th June 1937) [illegible] has been authorised

NOTE — [illegible] to exercise [illegible] General

[G I, F [illegible] /58 VII/Ex I/32, dated 9th June 1932, and Auditor General's endorsement No 468/GBE 81 34, dated 19th Feb 1934]

(2) The Government of India have declared that the Director General of Posts and Telegraphs shall be his own controlling authority for the purpose of rule 191 of the Supplementary Rules.

[G I, I & L D, No 67 P T E, dated 8th July 1926]

(3) The Master, Security Printing, India, shall be his own controlling officer for travelling allowance purposes

[G I, F D, letter No D 5455 R II, dated 9th October 1928.]

(4) The ~~Financial Adviser, Posts and Telegraphs~~ Finance Officer Communications, shall be his own controlling officer for the purpose of travelling allowance

~~[G I, F D, letter No. F-63-II-Ex-I/31, dated 23rd February 1931.]~~ (5)

Signature of controlling officer necessary on a travelling allowance bill.

S. R. 192. Except as provided in rule 193, no bill for travelling allowance, other than permanent travelling allowance, shall be paid unless it be signed or countersigned by the controlling officer of the Government servant who presents it.

Exceptions.

S. R. 193. The following classes of Government servants may present bills for travelling allowance without the countersignature of the controlling officer:—

(a) Chaplains; provided that the bill is accompanied by the order, authorising the journey, of—

(i) the Bishop or Commissary of the diocese, in the case of a chaplain of the Church of England, or

(u) the Presidency Senior Chaplain in the case of a chaplain of the Church of Scotland

(b) Assistant Directors of Army Audit, [1][Assistant Audit Officer, Se

No. 145

383, Section IV, S. R. 193—

ibstitute the words "Assistant Directors of Audit, Defence Ser-", "Assistant Audit Officer, Defence Services, Lahore" and ector of Audit, Defence Services", *for* the words "Assistant Direc- of Army Audit", "Assistant Audit Officer, Army Audit, Western mand", and "Director of Army Audit" respectively occurring in

No. 274.

Page 383, S R 193—

Insert the words "the Superintendent for Epigraphy, Madras" the words "the Archæological Superintendent, Southern Circle, Ma occurring in Clause (*b*) of this rule

(This amendment takes effect from the 29th December 1937.)

[G. I, F D, Correction No 441 (S R), dated the 1st March 1938]

No. 759.

Page 383, Section IV, S R. 193—

Insert the following as item (2) of the Government of India's orders below th rule, the existing entry being numbered as item (1):—

[Financial Adviser (Communications) Endorsement No. S R—249-3/44, date the 28th February 1944]

(No 759, dated the 5th June 1944)

provided that ... at the same time forwarded to the controlling ... concerned, for counter signature and transmission to the

... dated the 1st

the signature of the proper authority should be made prominently in the book at the end of the record of service as follows —

"Mr left the service on pension on (date), and this book is returned to him at his own request "

[C G s letter No 1086 A & A 506 16, dated 8th December 1916, page 86 of the Post and Telegraph Supplement to C S R]

Director General's Instructions —When the owner of the service book dies it should be made over (if applied for) to his nearest relative (or representative) on the authority of the Head of the Circle, Superintendent of Post Offices or Railway Mail Service, First Class Postmaster, Superintendent or Deputy Superintendent in charge of a Departmental Telegraph Office, Divisional Engineer (Telegraphs or Wireless), Controller of Telegraph Stores, Superintendent of Telegraph Workshops or Sub Divisional Officer, Telegraphs, as the case may be

[D G P & T s U O No P & T /M 307, dated 31st Mar 1928]

S. R. 199. Every step in a Government servant's official life must be recorded in his service book, and each entry must be attested by the head of his office, or, if he himself is the head of an office, by his immediate superior. The head of the office must see that all entries are duly made and attested, and that the book contains no erasure or over writing, all corrections being neatly made and properly attested

Government of India's Orders—

(1) In relaxation of the provision of *S R 199, Heads of Accounts* Offices are permitted to delegate to a subordinate gazetted officer the duty of examining and attesting entries in the service books of the non gazetted staff

[G I F D letter No F /35/I /R II, dated 2nd Mar 1929]

(2) The following officers of the Indian Posts and Telegraphs Department who are not heads of offices are authorised to attest the entries in service books (except their own service books) which are required to be maintained by their heads of offices —

(i) Post Office Accountants in the selection grades and Divisional Accountants (in the Engineering Divisions),

(ii) Head Record clerks R M S ,

(iii) Any gazetted officer or any officer in the higher selection grade authorised by the head of the office, if there is no accountant in the selection grade in the office

The above mentioned officers who have been authorised to attest entries in Service Books and Service Rolls are also authorised (i) to keep these documents in their custody, and (ii) to attest entries in

the leave accounts, provided that the head of the office concerned remains responsible for the proper maintenance of and attestation of entries in Service Books and Service Rolls and leave accounts and for their custody In order to ensure that the head of the office does exercise general supervision in this matter it is ordered that the head of the office should inspect at least 10 per cent of these documents every year and initial them in token of having done so

[F A I & T s endt No S A 82 (23)/30 dated 30th June 1932 and No E

No. 13.

Page 387, Section IV, S R 199—

Insert the following as "Director General's orders" under this rule —

"*Director General's orders* —With regard to the annual inspection of
rolls as required by

e, an Assistant Post-
f the *Office so far as*
the Circle office, Dead Letter Office and the Stock Depot are concerned"

[D G, P. & T, endt No ESB -132 1/34, dated 2nd September 1935]

See Slip 677 [No 13, dated the 18th March 1936]

No. 682.

Page 387, Section IV, S. R 199—

Insert the following as item (3) of the Government of India's orders below this Rule —

"(3) The following powers have been delegated to the Senior Accountant of the office of the Accounts Officer, Telephone Revenue, Delhi, in respect of the staff of that office other than the Senior Accountant himself —

(i) to attest the entries in service books and service rolls,

(ii) to keep the documents in his custody, and

(iii) to attest entries in the leave accounts

The delegation is made subject to the conditions that the Accounts Officer, Telephone Revenue, shall remain responsible for the proper maintenance of the service books, service rolls and leave accounts, for the attestation of entries in these documents and for their custody, and that the Accounts Officer Telephone Revenue, shall inspect at least 10 per cent of those documents every year and initial them in token of having done so"

[Financial Adviser (Communications) endorsement No E 132-1/43, dated the 22nd April 1943]

(No 682, dated the 28th July 1943)

No. 697.

Pages 386 387, Section IV, S R 199—

Add the following at the end of the "Director General's orders" below this Rule as inserted by correction slip No 13 *dated the 18th March 1938* —

"For this purpose the Senior Electrical Engineer should also be treated as Head of the Office in respect of the Electrical Engineer in Chief's Office Establishment"

[D G, P & T's Endorsement No E 132-3/43 dated the 12th July 1943]

(No 697, dated the 28th July 1943)

any other particulars which he may consider

the Government servants' re-transfer to Government service, his service book must again be sent to the audit officer, who will then note in it, over his signature, all necessary particulars connected with the foreign service. No entry relating to the time spent in foreign service may be attested by any authority other than the audit officer.

S. R 204 In the case of policemen of rank not higher than that of head constable, there must be maintained for each district by the District Superintendent of Police a service roll in English, in which the following particulars should be recorded for each man holding substantively a permanent post in the constabulary.— See No. 31.

(a) The date of his enrolment.

(b) His caste, tribe, village, age height and marks of identification when enrolled.

(c) The rank which he from time to time holds, his promotions, and his reductions or other punishments.

(d) His absences from duty, with or without leave.

(e) Interruptions in his service.

(f) Every other incident in his service which may *involve forfeiture of a portion of it or may affect the* amount of his pension

The roll must be checked by the vernacular roll and order book and the punishment register and every entry in it must be signed by the District Superintendent

S. R. 205. A service roll as described in rule 204 must be maintained for every other class of non-gazetted Government servant for whom no service book is necessary, except [1][* * *] coolies in the Post Office Department and the Government servants mentioned in exceptions (a) and (d) under rule 197.

Director General s Instruction —The Director General has decided that the officers empowered in his memorandum No S A 82 (23)/30, dated the 30th June 1932, to attest entries in service books [*vide* item (2) of Government of India's orders under S R 199] should also exercise the power of attesting entries in service rolls

[D G, P & T s Endst No S A 82 (23)/30, dated 6th September 1932.]

[1] [ ] Deleted with effect from the 2nd January 1931

Page 389—Section IV—Supplementary Rule 206—

Substitute the following for 'Note 1' below this Rule·—

"NOTE 1.—(a) The General Manager, Rajputana Salt Sources Division, Sambhar; the Administrative Officer, Salt Range Division, Khewra; *the Chief Mining Engineer, Khewra*; the Electrical and Mechanical Engineer, Khewra· the Assistant Collectors, Eastern and East *Central Divisions in the Central* Excises and Salt Department, North-Eastern India and the Assistant Collectors, West Central and North-Western Divisions in the *Central Excises* and Salt Department, North-Western India, are empowered to sanction leave, other than disability leave, admissible under the Fundamental Rules, to *all non-gazetted* Government servants below the rank of Deputy Superintendents, provided that no extra expenditure other than that involved in the grant of acting promotion *to the upper scale and selection* grades of clerks is incurred.

(b) In the Bombay Salt Department, the Assistant Collectors of Salt Revenue are empowered to sanction such leave to the clerical establishment working under them, provided that no extra expenditure is involved in the case of leave granted otherwise than on full average pay equal to one eleventh of the period spent on duty.

(c) In the Madras Salt and Customs (Outports) Department, the Assistant *Commissioners of Salt Revenue* and the Inspectors placed in charge of Pondicherry and Karikal Frontiers are empowered to sanction such leave to Sub-Inspectors within their jurisdiction

[Government of India, Finance Department, Correction No 503 (S R), dated the 1st May 1940]

(No 469 dated the 28th May 1940)

No. 470.

Pages 389 390—Section IV—Supplementary Rule 206—

Delete Notes 4 and 8 below this Rule

[Government of India, Finance Department, Correction No 508 (S R), dated the 1st May 1940]

(No 470 dated the 28th May 1940)

...Internal Branch and the North West Preventive Division"

[G. I, F D, Corr. No. 358 (S R), dated 10th October 1935]

[No 48, dated the 18th March 1936]

No. 475.

age 389, Section IV, Supplementary Rule 206—

Delete foot notes 1, 3, 4 and 5 below this Rule on this page

(No 475, dated the 28th June 1940)

No. 455.

Page 389, Section IV, Supplementary Rule 206—

Delete Notes 5 and 6 *below* this Rule.

[Government of India, Finance Department, Correction No. 504 (S R), dated the 1st March 1940]

(No 455, dated the 28th March 1940)

[1]NOTE 7.—The Superintendent of Lighthouses, Madras Lighthouse District, is empowered to sanction leave, other than disability leave, admissible under the Fundamental Rules, to the Lighthouse Mechanics stationed at Madras.

[2]NOTE 8.—The Assistant Commissioners of S... empowered to sanction leave, other than disabili... the Fundamental Rules to Sub-Inspectors of the (Outports) Department.

Note 9 —

[For a list of authorities in the Posts an[d] [T]... empowered to grant leave, see *Appendix 25*]

Gazetted Government servants

S. R. 207. No leave may be granted to ... servant until a report as to the admissibility o... obtained from the audit officer.

Auditor General's decision.—The admissibil... of a Government servant officiating in a gazetted post should be certified by the Audit Officer

[Ar G 's letter No 1216 Admn /434 28, dated 31st October 1928]

S. R. 208. On the receipt of such a report, any leave, other than special disability leave, admissible under the fundamental rules may be granted to a gazetted Government servant by a competent authority.

Division IX.—Combination of holidays with leave and joining time.

[Rules made by the Governor General in Council under Fundamental Rule 68]

General rule.

S. R. 209. When the day immediately preceding the day on which a Government servant's leave begins or immediately following the day on which his leave or joining time expires is a holiday or one of a series of holidays, the Government servant may leave his station at the close of the day before, or return to it on the day following, such holiday or series of holidays; provided that—

(a) his transfer or assumption of charge does not involve the handing or taking over of securities or of moneys other than a permanent advance;

(b) his early departure does not entail a correspondingly early transfer from another station of a Government servant to perform his duties, and

(c) the delay in his return does not involve a corresponding delay in the transfer to another station of the Government servant who was performing his duties during his absence or in the discharge from Government service of a person temporarily appointed to it.

[1] Inserted with effect from the 27th November 1933

[2] Inserted with effect from the 20th September 1933

Government of India's decision.—For the purpose of this rule, the days of rest earned by a sorter after performing his prescribed duty should not be treated as holidays. (The Government of India in the Department of Industries and Labour have accepted this decision.)

[A. G. P. & T. No. M. 2310 L 4 23 dated 17th December 1923.]

S. R. 210. On condition that the departing Government servant remains responsible for the moneys in his charge, a competent authority may declare that proviso (a) under rule 209 is not applicable to any particular case. Exception.

S. R. 211. Unless the competent authority in any case otherwise direct— Effect upon pay and allowances

(a) if holidays are prefixed to leave, the leave and any consequent re arrangement of pay and allowances take effect from the first day after the holidays, and

(b) if holidays are affixed to leave or joining time, the leave or joining time is treated as having terminated on, and any consequent re-arrangement of pay and allowances takes effect from, the day on which the leave or joining time would have ended if holidays had not been affixed.

Division X.—Form of medical certificate of fitness to return to duty.

[Rules made by the Governor General in Council under Fundamental Rule 71.]

[1]S. R. 212. A Government servant who has taken leave in Asia on medical certificate may not return to duty until he has produced a medical certificate of fitness in the following form :— Form of certificate.

"We, the members of a Medical Committee
I, Civil Surgeon of
registered medical practitioner of

do hereby certify that we/I have carefully examined A.B.C. of the

department, and find that he has recovered from his illness and is now fit to resume duties in Government Service. We/I also certify that before arriving at this decision we/I have examined the original medical certificate(s) and statement(s) of the Case (or certified copies thereof) on which leave was granted or extended, and have taken these into consideration in arriving at our/my decision."

The original m cate(s) and statement(s) of the case on which the leave granted or extended shall be produced before the auth issue the above certificate. [2][For this p or a tatement(s) of the case should be in g retained by the Government

Ju No. 334 (S. R.), dated the 10th

Jul (S. R.), dated the 10th

By whom signed.

[1]S. R. 213. If the Government Servant on leave is a Gazetted officer, such *certificate should be obtained from a Medical Committee* except (1) in cases in which the leave is for not more than three months, or (2) in cases in which leave is for more than three months or leave for three months or less is extended beyond three months, but the Medical Committee granting the original certificate or the certificate for extension state at the time of granting such certificate that the Government servant need not appear before another Medical *Committee for obtaining the certificate of fitness.* If the Government servant on leave is not a gazetted officer, the competent authority may, in its discretion, accept a certificate signed by any registered medical practitioner.

Government of India's decision.—It has been decided that a certificate signed by one or two medical officers obtained under S. R. 226, is equivalent for all practical purposes to a certificate from a committee and such cases should not be excluded from the operation of Supplementary Rule 213.

[G. I., F. D., No. 7 (35) R. I./34, dated the 21st May 1935.]

Division XI.—Leave procedure in the case of Government servants in India.

[Rules made by the Governor General in Council under Fundamental Rule 74 (a) (i) and (ii).]

SECTION I.—LEAVE ACCOUNTS.

By whom maintained.

S. R. 214. The leave account required by Fundamental Rule 76 shall be maintained in such form as the Auditor General may prescribe.

S. R. 215. (a) The leave account of a gazetted Government servant shall be maintained by, or under the direction of, the principal auditor responsible for the audit of his pay.

(b) The leave account of a non-gazetted Government servant shall be maintained by the head of the office in which he is employed.

Government of India's orders.—See item (2) of '*Government* of India's Orders' under Supplementary Rule 199.

Auditor General's decisions.—

(1) When a Government servant is appointed to officiate in a gazetted post, the Audit Officer *should at once call* for his leave account and maintain it under clause (a) of this rule. When he takes leave, if he is expected to return to the gazetted post, the account *may remain* with the Audit Officer, otherwise, it would go to the head of the office in which he holds his non gazetted post.

The status of such a *Government* servant during leave is however non gazetted. He should, therefore, be taken as belonging to the establishment of the office in which he holds a lien on a substantive post and the head of that office should draw his leave salary, and

disburse it to him, and should sanction the grant to him of any extension of leave which may be given

[Ar. G.'s letter No. 1216-Admn. 434-28, dated 31st Oct. 1928.]

(2) As the status of an officiating Gazetted Government servant during leave has been held to be non-gazetted [*vide* Auditor General's decision (1) above], applications for extensions of leave by such a Government servant should be treated in the same way as similar applications from other non-gazetted servants, that is to say, the procedure prescribed in rule 2 of Appendix 8 should be followed. If the extension of leave applied for is leave in India, and the Government servant's leave account is with the Audit Officer, the leave account should be called for by the Head of the Office from the former so that he may scrutinise the admissibility of the extension asked for and deal with the application for leave. As regards the fixation of the leave salary to be drawn during such extension, the Audit Officer should, while communicating the amount of leave salary payable during the first period of leave, also state what the 'average pay' of the Government servant in question is, so that the officer drawing the leave salary of the Government servant may determine the amount of leave salary to be paid during the period of extension.

[Ar. G.'s letter No. 727-Admn. N. 143-31, dated 13th May 1931.]

SECTION II.—APPLICATION FOR LEAVE.

S. R. 216. Except as provided in rules 217 and 218, an application for leave or for an extension of leave must be made to the authority competent to grant such leave or extension. To whom application should be made.

S. R. 217. An application for leave by a chaplain must be forwarded, through the proper channel, to the Bishop of the Diocese; whether such Bishop is or is not competent to grant the desired leave.

S. R. 218. An application by a commissioned medical officer in permanent or temporary civil employ for leave exceeding four months, other than leave on medical certificate, or for an extension of such leave, must be submitted to the local administrative medical officer by whom it will be forwarded to the Director-General, Indian Medical Service. The Director General will countersign the application if the state of the public service admits of the grant of the leave; otherwise, he will abstain from countersigning it. In either case, he will forward the application for disposal to the authority competent to grant the leave.

S. R. 219. A Government servant transferred to foreign service must, before taking up his duties in foreign service, make himself acquainted with the rules or arrangements which will regulate his leave during such service.

S. R. 219-A. A Government servant on foreign service in India should submit all applications for leave, other than leave on average pay not exceeding four months, with the report of the Account Officer, through his employer to the authority competent to sanction the leave.

SECTION III.—MEDICAL CERTIFICATES.

General rules.

S. R. 220. Medical officers must not recommend the grant of leave in any case in which there appears to be no reasonable prospect that the Government servant concerned will ever be fit to resume his duties. In such cases, the opinion that the Government servant is *permanently unfit for Government service should be recorded in* the medical certificate.

S. R. 221. Every certificate of a medical committee or a medical officer recommending the grant of leave to a Government servant must contain a proviso that no recommendation contained in it shall be evidence of a claim to any leave not admissible to the Government servant under the terms of his contract or of the rules to which he is subject.

Procedure in the case of Gazetted Government servants

[1]S. R. 222. Before a gazetted Government servant can be granted leave, or an extension of leave, on medical certificate, he must obtain a certificate in the following form:—

Medical certificate for Gazetted Officers.

Statement of the case of

Name (to be filled in by the applicant in the presence of the Civil Surgeon or official medical attendant).

Appointment.

Age.

Total Service.

Service in India.

Previous periods of leave of absence on medical certificate.

Habits.

Disease.

Surgeon of

Medical Officer at or of

after careful personal examination of the case hereby certify that is in a bad state of health and I solemnly and sincerely declare that according to the best of my judgment a period of absence from duty is essentially necessary for the recovery of his health and recommend that he may be granted months' leave [2][with effect from].

Dated

The .

Civil Surgeon,
or Official Medical Attendant.

[1] As revised by G. I., F. D., Correction No. 173 (S. R.), dated 16th March 1931.

[2][ ] Inserted by G. I., F. D., Correction No. 214 (S. R.), dated 12th July 1932.

NOTE 1.—This form should be adhered to as closely as possible and should be filled in after the signature of the applicant has been taken. The Certifying Officer is not at liberty to certify that the applicant requires a change from or to a particular locality, or that he is not fit to proceed to a particular locality. Such certificates should only be given at the explicit desire of the administrative authority concerned, to whom it is open to decide, when an application on such grounds has been made to him, whether the applicant should go before a Medical Board to decide the question of his fitness for service.

[1]NOTE 2.—No recommendation contained in this certificate shall be evidence of a claim to any leave not admissible to the Government servant under the terms of his contract or of the rules to which he is subject.

S. R. 223. Having secured such a certificate, the Government servant must, except in cases covered by rule 226, obtain the permission of the head of his office or, if he himself is the head of an office, of the head of his department to appear before a medical committee. He should then present himself with two copies of the statement of his case before such a committee. The committee will be assembled under the orders of the Administrative Medical Officer of the province in which the Government servant is serving, who will, where practicable, preside over it. The committee will be assembled either at the headquarters of the province or at such other place as the local Government may appoint.

S R. 224. Before the required leave or extension of leave can be granted the Government servant must obtain from the committee a certificate to the following effect:—

"We do hereby certify that, according to the best of our professional judgment, after careful personal examination of the case, we consider the health of C. D. to be such as to render leave of absence for a period of months absolutely necessary for his recovery"

[2][NOTE.—In cases in which the leave recommended is for more than 3 months or leave for 3 months or less is extended beyond 3 months, the Medical Committee shall state, at the time of granting this certificate, whether the Government servant should or need not appear before another medical Committee for obtaining the certificate of fitness for return to duty]

S. R. 225. Before deciding whether to grant or refuse the certificate, the committee may, in a doubtful case, detain the applicant under professional observation for a period not exceeding fourteen days. In that case it should grant to him a certificate to the following effect:—

"C D. having applied to us for a medical certificate recommending the grant to him of leave, we consider it expedient, before granting or refusing such a certificate, to detain C. D under professional observation for days".

[1] Inserted by G I, F D Correction No 214 (S R) dated 12th July 1932.
[2][ ] Added to the form of certificate by G I F D, Correction No 334 (S R), dated the 10th June 1935

S. R. 230. *Cancelled.*

Procedure in the case of non gazetted Government servants, in inferior service

S. R. 231. In support of an application for leave, or for an extension of leave, on medical certificate from a non-gazetted Government servant in inferior service, the authority competent to grant the leave may accept such certificate as it may deem sufficient.

SECTION IV.—GRANT OF LEAVE.

Priority of claims to leave

S. R. 232. In cases where all applications for leave cannot, in the interests of the public service, be granted, an authority competent to grant leave should, in deciding which application should be granted, take into account the following considerations:—

(a) The Government servants who can, for the time being, best be spared.

(b) The amount of leave due to the various applicants

(c) The amount and character of the service rendered by each applicant since he last returned from leave.

(d) The fact that any such applicant was compulsorily recalled from his last leave.

(e) The fact that any such applicant has been refused leave in the public interests.

Grant of leave to a Government servant who is unlikely to be fit to return to duty.

S. R. 233. When a medical committee in India has reported that there is no reasonable prospect that a particular Government servant will ever be fit to return to duty, leave should not necessarily be refused to such Government servant. It may be granted, if due, by a competent authority on the following conditions:—

(a) If the medical committee is unable to say with certainty that the Government servant will never again be fit for service in India, leave not exceeding twelve months in all may be granted. Such leave should not be extended without further reference to a medical committee.

(b) If the medical committee declares the Government servant to be completely and permanently incapacitated for further service in India, the Government servant should, except as provided in clause (c) below, be invalided from the service, either on the expiration of the leave already granted to him, if he is on leave when examined by the committee, or, if he is not on leave, from the date of the committee's report.

(c) A Government servant declared by a committee to be completely and permanently incapacitated may, in special cases, be granted leave, or an extension of leave, not exceeding six months as debited against the leave account, if such leave be due to him. Special circumstances justifying such treatment may be held to exist when the Government servant's breakdown in health has been caused in and by Government service, or when the Government servant has taken a comparatively small amount of leave during his service or will complete at an early date an additional year's service for pension.

S. R. 234. Leave should not be granted to a Government servant who ought at once to be dismissed or removed from Government service for misconduct or general incapacity. Grant of leave to a Government servant who ought to be dismissed

S. R. 235. If, in a case not covered by rule 234, an authority competent to remove a Government servant from service decides, before such Government servant departs from India on leave, that he will not be permitted to return to duty in India, it must inform him to that effect before he leaves India. Procedure when a Government servant is not allowed to return to duty after leave

S. R 236 If, when a Government servant is about to depart from India on leave, it is necessary to consider the propriety of removing him for incapacity, whether mental or physical, which is of such a nature that it is impossible to decide, before he leaves India whether it will be permanent or temporary; or if for any reason it is considered inexpedient that a Government servant on leave should return to India; a full report of the circumstances must be made by the Governor General in Council to the India Office in time to enable the Secretary of State in Council to take any necessary measures before the Government servant would in the ordinary course be permitted to return to duty. The report should in any case reach the India Office at latest three months before the end of the Government servant's leave. Local administrations must communicate the facts to the Governor General in Council in time to permit of the punctual submission of such report.

S. R. 237. When leave on medical certificate has been granted to a Government servant or, in the case of a military officer in civil employ, when the grant of such leave has appeared in orders, if such Government servant or military officer proposes to spend his leave in Europe, North Africa, America or the West Indies, the Governor General in Council or the local administration, as the case may be, must without delay forward a copy of the medical statement of the case to the High Commissioner for India Cases in which a copy of the medical statement of a case must be forwarded to the High Commissioner

S. R. 237-A. When a Government servant who has been granted leave for reasons of health proceeds to any of the localities named in Rule 252, the authority which granted the leave shall inform the High Commissioner for India whether a certificate of fitness is required under the second sentence of Fundamental Rule 71.

SECTION V.—DEPARTURE ON LEAVE.

S. R. 238. Every Government servant proceeding on leave out of India should procure from the audit officer and take with him a copy of the memorandum of information issued for the guidance of Government servant proceeding on leave out of India. If the leave has been granted on a medical certificate, he must take a copy of the medical statement of his case also. Procedure when departing on leave out of India

S. R. 239. A Government servant taking leave out of India must, if so required by the audit officer, report his embarkation through that officer to the authority which granted his leave, in such form as the Auditor General may prescribe.

SECTION VI.—RETURN FROM LEAVE

Report of return

S. R. 240. A gazetted Government servant, on return from leave, must report his return to the Government under which he is serving. A chaplain must report his return to the Bishop ... Government ... No. S.

... Government of India's Instructions" for the ... under this rule and the ... No. S.-199/1/35, dated the 11th ... thereunder.

... dated the 24th April 1936.]

... to that effect, to resume as a ... post which he held before going on leave. He ... report his return to duty and await orders.

Government of ...

~~Director~~

D...
S...
u...
ti...
u...
d... must report his return to ... Director General and await orders.

[~~Para. 100-A, Telegraph Manual, Vol. I~~ (1916).]

(2) Gazetted Officers, if they intend to return from leave out of India before its expiry, must communicate their intention of doing so to (a) the Director General, if the leave is granted by him, and (b) the Postmaster General, Bombay, if the leave is granted by the Head of a Circle.

[D. G. P. & T.'s letter No. A. P. 29 K., dated 6th June 1927.]

(3) Officers of the Wireless Branch on return from leave out of India should report their arrival to the Wireless Divisional Headquarters at Bombay or Calcutta or to the officer in charge of Wireless Stations at Karachi, Rangoon or Madras, as the case may be, where they will receive their posting orders. In the absence of any such orders, officers in charge of stations should address the Divisional Headquarters by telegraph.

[D. G. P. & T.'s Memo. No. S. 193-3, dated 7th November 1933.]

Division XII.—Leave procedure in the case of a Government servant on leave out of India.

[Rules made by the Governor General in Council under Fundamental Rule 74 (b).]

REPORT OF ARRIVAL IN THE UNITED KINGDOM

S. R. 242. A Government servant taking leave in the United Kingdom must report his arrival in that country to the High Commissioner for India.

PAYMENT OF LEAVE-SALARY.

S. R. 243 No Government servant can begin to draw leave-salary from the Home Treasury until he has presented to the High Commissioner a leave salary certificate in such form as the Auditor General may prescribe — Payment at the Home Treasury.

Auditor General's Instructions The certificates or reports referred to in paragraph 22 of Appendix 10 to the Audit Code (Appendix 9 to this volume) should be despatched with least possible delay to the High Commissioner for India, India Office in the case of officers who intend to draw their leave salary in England

A. G. No. 183 [illegible] 1923

S R 244 Leave salary is issued from the Home Treasury monthly in arrear on the first day of each calendar month

S R 245 Payment will be made, at the option of the Government servant drawing leave-salary, by any of the following methods —

(a) To the Government servant himself on his personal application

(b) To his banker or other agent, duly authorised under power-of-attorney, on production of a life certificate duly filled up and executed In cases where the banker has guaranteed the Secretary of State or the High Commissioner against loss consequent upon dispensation with proof of existence, a life certificate is unnecessary

NOTE —A supply of life certificate forms may be obtained from the High Commissioner

(c) To the presenter of a payment form, comprising a receipt and a life certificate, both duly completed by the Government servant

NOTE —If the Government servant intimates to the High Commissioner the election of this method, he will be regularly supplied with the requisite payment form as the due date of issue approaches

S. R. 246 No Government servant can begin to draw leave-salary from a Colonial treasury until a warrant in ~~form I~~ has been issued in — Payment in a Colony.

No 200

Page 401, Section IV, S. R. 246—

Substitute the words " form I or I-A, as the case may be, " *for* the words " form I " occurring in line 2 of this rule

[G. I., F. D., Correction No 417 (S. R.), dated the 8th April 1937.]

(No. 200, dated the 29th April 1937.)

Government servant. Payment of leave-salary will not be made unless the colonial authority is in possession of the original and the Government servant of the triplicate of the warrant.

S. R. 247. Each payment of leave-salary must be endorsed upon the back of both the original warrant and the triplicate, and an acknowledgment of receipt must be endorsed by the Government servant upon the back of both copies.

S. R. 248. When no space for the entry of endorsements of payment remains upon the back of a warrant, or when a warrant is lost or destroyed, a fresh warrant will be issued by the original issuing authority on the application of the Government servant submitted through the Colonial disbursing officer.

S. R. 249. If the transfer from one Colony to another of payment of the leave-salary of a Government servant is sanctioned by the Colonial authorities, such transfer must be reported by the Government servant to the Governor General in Council and to the High Commissioner.

Transfer of payment from the Home Treasury to Colony and *vice versâ*

S R 250. (a) If a Government servant who is drawing his leave-salary in a Colony desires to transfer payment to the Home Treasury, he m[illegible]

No. 201

Page 402, Section IV, S. R. 250—

Substitute the words " form I or I-A, as the case may be," *for* the words " form I " occurring in line 3 of clause (*b*) of this rule

[G I, F D, Correction No 417 (S R), dated the 8th April 1937.]

(No 201, dated the 29th April 1937).

EXTENSION OF LEAVE.

General rule

S. R 251. A Government servant absent from India on leave who desires an extension of his leave must make application for such extension not less than three months before the expiry of his leave. An application made within three months from such expiry will not be considered unless special reasons for consideration exist

Applications by Government servants on leave in Europe, North Africa, America or the West Indies

S. R. 252 An application for extension of leave by a Government servant on leave in Europe, North Africa, America or the West Indies must be made to the High Commissioner. Unless the extension is desired on medical grounds or is for a period of not more than fourteen days, the application must be accompanied by evidence that the Government on whose cadre the Government servant is borne has been consulted and has no objection to the extension. It is in exceptional cases only that the High Commissioner will grant an extension without the production of such evidence, and then for such period only as may be necessary to obtain the orders of the Government concerned, which will be sought by telegraph at the applicant's expense.

Government of India's Orders—

(1) It has been arranged that notification of the grant of extensions of leave and of permission to return to duty in the case of officers including military officers under civil leave rules serving under departments ... No. 429. ... he is ... ce to c

Page 403, Section IV, S. R. 252—

Insert the following as "Auditor General's decision" below this rule —

"*Auditor General's decision*—A Government servant originally granted l ... of the leave to the authority ... lly granted and the question ... nment were necessary under S R 252 The Auditor General has decided that the word "Government" occurring in S R 252 cannot be intended to mean other than the authority in India competent to sanction the extension of leave applied for"

[Auditor General's letter No 1394 N G E /406 39, dated the 7th November 1939]

(No 429, dated the 1st January 1940.)

See Sup 429

S R 253 If a Government servant on leave in any of the localities named in rule 252 desires, on medical grounds, an extension for a longer period than fourteen days, he must satisfy the Medical Board at the India Office of the necessity for the extension In order to do so, he must, as a general rule, appeal at the India Office for examination by the Board, but in special cases, and particularly if he be residing at a distance of more than sixty miles from London, a certificate in a form to be obtained from the High Commissioner may be accepted if signed by two medical practitioners A certificate obtained outside the United Kingdom and signed by foreigners must be attested by consular or other authority as bearing the signatures of qualified medical practitioners

S R 254 If a Government servant on leave in any of the localities named in rule 252 desires, on grounds other than medical, an extension of leave granted on medical certificate, he must satisfy the Medical Board at the India Office, by the procedure described in rule 253, that he has recovered his health

S R 255 An application for extension of leave by a Government servant on leave out of India elsewhere than in the localities named in rule 252 must be made to the authority which granted the leave

Application by Government servants on leave elsewhere out of India

S R 256 If an application made under rule 255 is for an extension of leave on medical certificate, it must be accompanied by a certificate from two medical practitioners in the following form —

"We hereby certify that we have carefully examined C D of the who is suffering from and we declare upon our

honour that, according to the best of our judgment and belief, he is at present unfit for duty in India, and that it is absolutely necessary for the recovery of his health that his present leave, which will expire in India on shall be extended by

months
weeks

Date

Place

The certificate must describe in full detail the nature of the disease and the present condition of the Government servant If it be signed by foreigners, it must be attested by consular or other authority as bearing the signatures of qualified medical practitioners

Certificate of leave necessary before extension can be granted to Government servant to whom a leave salary certificate has not been issued

S R 257 An extension of leave will not be granted by the High Commissioner to a Government servant to whom no leave salary certificate has been issued, or who has exchanged his leave salary certificate for a warrant before leaving India, unless he produces a certificate of leave in form II

RETURN FROM LEAVE

Terms on to return

S R 258 A Government servant who is required, by or under fundamental rule 71, to produce a medical certificate of fitness before returning to duty, must obtain permission to return to duty before so returning

S R 259 If the Government servant desiring to return is on leave in any of the localities named in rule 252, his application must be made to the High Commissioner and he must satisfy the Medical Board at the India Office of his fitness to return at least two months before the expiry of his leave In order to do so, he must follow the procedure prescribed in rule 253 When the Medical Board has been satisfied, the High Commissioner will grant permission to return

Government of India s Order —Vide Government of India s order (1) *under* S R 252

S R 260 If the Government servant desiring to return is on leave out of India elsewhere than in the localities named in rule 252, his application must be made to the authority which granted his leave and must be accompanied by a certificate of fitness in the prescribed form

S R 261 Permission to return cannot be granted to a Government servant to whom no leave salary certificate has been issued, or who has exchanged his leave salary certificate for a warrant before leaving India, until he produces a certificate of leave in form II

S. R. 262. Before returning to duty, a Government servant on leave in Europe must obtain a last-pay certificate from the High Commissioner. A last-pay certificate cannot be granted to a Government servant to whom no leave-salary certificate has been issued unless he produces a certificate of leave in form II A Government servant who has drawn his leave-salary on a warrant must, on return to India, deliver to the audit officer his copy of the warrant, which will serve as a last-pay certificate — Last-pay certificate.

Division XIII.—Vacation Departments

[Rules made by the Governor General in Council under Fundamental Rule 82 (a)]

S. R 263 A vacation department is a department, or part of a department, *to which regular vacations are allowed,* during which Government servants serving in the department are permitted to be absent from duty — Government servants who serve in vacation departments

S. R. 264. The following classes of Government servants serve in vacation departments when the conditions of rule 263 are fulfilled —

(a) Educational officers, other than inspecting officers, and their establishments

(b) Judicial officers of rank not higher than that of Subordinate judge and their establishments

(c) Any other class of Government servant which a competent authority may declare to be so serving

S R 265 In case of doubt, a competent authority may decide whether or not a particular Government servant is serving in a vacation department

S R 266 A Government servant serving in a vacation department shall be considered to have availed himself of a vacation or a portion of a vacation unless he has been required, by general or *special order of a higher authority,* to forego such vacation or portion of a vacation, provided that, if he has been prevented by such an order from enjoying more than fifteen days of the vacation, he shall be considered to have availed himself of no portion of the vacation. — When vacation is treated as taken

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Division XIV.—Maternity leave.

[Rules mad by the Governor General in Council under Fundamental Rule 101 (a)]

No 142.

Page 405, Section IV, S. R. 268—

Insert the following as a 'Government of India's decision' below this rule :—

"*Government of India's decision.*—Leave on average pay to the extent admissible under F. R. 81 (*b*) may be granted in continuation of maternity leave if the condition laid down in S R. 268, *viz*, that the request for the grant of the leave should be supported by a medical certificate, is fulfilled."

[Ar. G.'s letter No. T 882 A/178-36, dated the 3rd September 1936]

(No. 142, da e 25th September 1936)

DIVISION XV —Hospital leave

No. 655.

[Rules

No. 701.

NOT
Act 19
shall be Page 406, Section XV, S. R. 269— Government of India's decision below t
D of th Substitute the following for the ... dated the 25th January 1943 —

S I ... The Governor General in Council has deci
Governi ...
treatme ...

No. 710.

to risks

Page 406, Section XV, supplementary Rule 269— Government of India's decision below this Rule, as substituted by
No. 701 dated the 25th November 1943 (No. 710, dated the 26th November 1943).

... exceeding Rs 100 per mensem

The Governor General in Council has also decided that the concession under clause (f) of the above ... of the R. M. S ... Government servants or to those entering service ... exceeding Rs. 100 ...

No. 718.

officers

(h) Government
whether
those in
to the
ployees

(i) Subordinat

(j) ~~Subordinat~~
~~machin~~

(k) Peons and

(l) Syces of G

(m) Subordin ... Bombay Salt Department on pay not exceeding Rs 40 per mensem

[2](n) Personnel of the General Lighthouses and Lightships Department employed at Lighthouses and on Lightships, on pay not exceeding Rs 40 per mensem

(o) ...

Amount of leave salary

S R 270 Hospital leave may be granted on leave salary equal to either average or half average pay as the authority granting it may consider necessary

[1] [ ] Inserted by G I F D Correction No 304 (S R) dated 19th November 1934

[2] This ... has effect from the 29th December 1931

*

S. R. 271. Except as provided in rule 272, the amount of hospital leave which may be granted to a Government servant is limited to three months on average pay in any period of three years Hospital leave on half average pay counts, for the purpose of this limit, as half the amount of leave on average pay *Extent of leave*

S R. 272. The amount of hospital leave which may be granted by the Railway Board to railway subordinates injured while on duty is unlimited, and the Board may delegate to Agents of State Railways such powers in this connection as it may think fit

S. R 273. Hospital leave is not debited agains. .. . .
and may be combined with any other leave which . .
provided that the total period of leave, after such . . . .
not exceed 28 months

Government of India's decision —The limit of 8 months [vide F R. 81 (b)] is not applicable when hospital leave is taken in combination with ordinary leave on average pay

[G I F D No 1 239 C S R dated 10th Aug 1926]

DIVISION XVI.—*Seamen's Sick-leave.*

[Rules made by the Governor General in Council under Fundamental Rule 102]

***NOTE.**—In the case of a person to whom the Workmen's Compensation Act, 1923, applies, the amount of leave-salary payable under these Rules shall be reduced by the amount of compensation payable under section 4 (1) D of the said Act*

S R 274. A Government servant serving as an officer, warrant officer or petty officer on a Government vessel may, while undergoing medical treatment for sickness or injury, either on his vessel or in hospital, be granted by a competent authority leave on leave salary equal to *Officers and petty officers*
provided that
l officer certi-
his ill-health
is own action

duty may be *Seamen.*
imum period
re fulfilled —

(a) A Government medical officer must certify the disability.

(b) The disability must not be due to the seaman's own carelessness or inexperience

(c) The vacancy caused by his absence must not be filled

Division XIX.—Leave earned by part-time service.

[Rules made by the Governor General in Council under Fundamental Rule 103 (c).]

Part-time law officers

S. R. 287. A law officer holding one of the posts mentioned in fundamental rule 99, if his pay is fixed at a definite rate but his whole time is not retained for the service of Government, may be granted leave as follows:—

(a) Leave on full pay during the vacation of the High or Chief Court within whose jurisdiction he serves; provided that no extra expense is thereby caused to Government. Such leave will be counted as duty.

(b) Leave on half pay for not more than six months once only in his service after six years of duty.

(c) On medical certificate, leave on half pay up to a maximum of 20 months at any one time; provided that three years of duty must intervene between any two periods of leave on medical certificate.

(d) On the conditions prescribed in fundamental rule 85, extraordinary leave.

S. R. 288. Leave under any one of the clauses of rule 287 may be combined with leave under any other clause.

Division XX.—Leave earned by service remunerated by [1][honoraria] or daily wages.

[Rules made by the Governor General in Council under Fundamental Rule 103 (c).]

Government servants remunerated by [1][honoraria]

S. R. 289. A Government servant remunerated by [1][honoraria] may be granted leave on the terms laid down in rules 287 and 288, provided that he makes satisfactory arrangements for the performance of his duties, that no extra expense is caused to Government, and that, during leave of the kind contemplated by clause (b) of rule 287, the whole of the [1][honoraria] are paid to the person who officiates in his post.

Government of India's decision.—Leave salary of Task-work delivery peons who have elected to come under the Fundamental Rules as well as those who have not so elected, is determined as follows:—

(a) Task work delivery peons will draw double subsistence allowance only on privilege leave under the old rules or on the leave corresponding to what used to be Privilege Leave, that is to say leave admissible under rule 81 (b)

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[1] [ ] Substituted for the words "fees" by G. I. I. D., Correction No. 297 (S. R.) dated the 10th September 1934.

(a) of the Fundamental Rules, and such peons are not entitled to take leave on average pay or double subsistence allowance on medical certificate up to eight months under the proviso to the rule of Fundamental Rules referred to

(b) Any leave taken on medical certificate or any form of leave other than Privilege Leave should be on the ordinary *subsistence allowance*

(c) When the employment of substitutes in place of Task work peons on any kind of leave is unavoidable they should ordinarily be employed on such task-work fees only as they may be able to earn If however substitutes are not procurable on these terms they may be granted in addition to task work fees an allowance not exceeding the amount of the subsistence allowance prescribed for *the office concerned*

[F A P T s G Z 9, dated 7th Aug 1923]

S. R 290. A labourer employed on daily wages in a State railway workshop when temporarily absent from work owing to injuries received while on duty, may be granted by the Railway Board leave on full wages to such extent as may be considered necessary The Railway Board may delegate to Agents of State railways such powers in this respect as it may think fit — Daily labourers in railway workshops.

The Agents of State railways may delegate to authorities subordinate to them the whole or part of the powers delegated to them in this respect

NOTE.—In the case of a person to whom the Workmen's Compensation Act, 1923, applies, the amount of leave-salary payable under this Rule shall be reduced by the amount of compensation payable under section 4 (1) D of the said Act.

Division XXI.—Leave earned by probationers and apprentices.

[Rules made by the Governor General in Council under Fundamental Rule 104 (b)]

S. R. 291. Leave may be granted to a probationer, if it is admissible under the leave rules which would be applicable to him if he held his post substantively otherwise than on probation. [1][If for any reason it is proposed to terminate the services of a probationer, any leave which may be granted to him should not extend beyond the date on which the probationary period as already sanctioned or extended expires, or any earlier date on which his services are terminated by the orders of an authority competent to appoint him.] — Probationers.

[1][ ] Added by G I, F D, Correction No 250 (S R), dated the 4th October 1933

Apprentices. S. R. 292. Leave of the following kinds may be granted to an apprentice:—

(a) On medical certificate, leave on leave-salary equivalent to half-pay for a period not exceeding one month in any year of apprenticeship.

(b) Extraordinary leave under fundamental rule 85.

PART V.—JOINING TIME.

Division XXII.—Amount of joining time admissible

[Rules made by the Governor General in Council under Fundamental Rule 106.]

S. R. 293. Not more than one day is allowed to a Government servant in order to join a new post when the appointment to such post does not necessarily involve a change of residence from one station to another. A holiday counts as a day for the purpose of this rule. General rules.

S. R. 294. Except as provided in rule 294-A, the joining time of a Government servant in cases involving a necessary change of station is subject to a maximum of 30 days. Six days are allowed for prepara-

No. 169

Pages 417 418, Section IV, S. R. 294—

(i) *Substitute* the following *for* the first sentence of this rule —

"The joining time of a Government servant in cases involving a transfer from one station to another, neither of which is in a remote locality not easy of access, is subject to a maximum of 30 days".

(ii) *Number* the existing Exception under this rule as Exception 1 and *insert* the following as Exception 2 —

"Exception 2.—The joining time of a Government servant who is transferred from one to another of the stations named in the table below shall be six days for preparation and in addition the actual time spent on the journey provided both combined do not exceed the period prescribed for the particular journey in the table —

Journey	Period
Between Meshed and Birjand	13 days
Between Meshed and Zahidan	21 days
Between Birjand and Zahidan	13 days
Between Meshed and Zabul	32 days
Between Birjand and Zabul	24 days
Between Meshed and Khanikin	26 days.

[G. I. F. D., Correction No. 410 (S. R.) dated the 9th January 1937.]

(... dated the 28th January 1937.)

No. 319.

Page 417, Section IV, S. R. 294—

Insert the following as 2nd paragraph of Correction Slip No. 275, dated the 1st March 1938 to this Rule —

"This correction has effect from the 1st March 1938. In any cases during ... f India, Finance ... [when the S. R. ... h July 1937 re... which fell within the periods allowed for the actual journey ... on account of a Sunday ... not having been counted as a day in calculating the joining time, no readjustment of joining time should be made now."

[G. I. F. D. letter No. F. 3(I) RI/38, dated the 2nd August 1938.]

(No. 319, dated the, 1st September

*EXCEPTION.*1.—The authority sanctioning the transfer may, in special circumstances, reduce the period of joining time admissible under this rule. Exception 2.

Audit Instruction.—The concession referred to in clause (c) of this rule is intended to apply also in cases where the entire journey is to be performed by steamer

This rule has further been interpreted to mean that if a steamer is not due to start immediately after the expiry of 6 days from the day when the Government servant gives over charge, the Government servant may add to his joining time the number of days intervening between the expiry of the six days and the departure of the next steamer, whether he actually starts during the first six days or by the next boat after their expiry

[Para 14, Sec II of Manual of Audit Instructions (1926)]

Director General's Instructions—

(1) (a) In the case of Telegraph Masters and other members of the Signalling establishment of the Traffic Branch who are transferred at their own request and expense, only the actual time occupied in the journey excluding the intervening Sundays, if any, should be allowed as joining time A ministerial servant transferred at his own request may have joining time up to the limit given in S. R. 294 without incurring the penalty laid down in ... No. 332 will not be entitled to draw ...
—*vide* Note ...

[D G ...

(b) ...

Page 115, S R. 294—

Add the following as sub paragraph (b) after the authority ... below this rule marking the Director General's instruction No (1) ... the ... sub paragraph (a) —

(2) ... objection to the grant of full ... S R 294 to a ... be allo... vacanci... It is ... grant ... necessa...

[D G ... Circular No 4, dated ... letter No Ls B 74 1/38 dated ... (No. 332, dated the 1st Nov ... [D G, P T ... P. & T, Delhi]

(3) ... should not ordinarily be allowed on the occ... journeys to and from the place of training to an official of the Indian Posts and Telegraphs Department and also in cases where after training an official is posted to a station other than the one from which he proceeded to the Training Class directly or in continuation of leave on average pay for not more than four months The actual period taken in transit should however be calculated as in S R 294 Joining time so calculated should be allowed even in cases in which leave on average pay not exceeding four months precedes or succeeds the period of training

NOTE.—These orders are not applicable to the officers of the Superior Telegraph Engineering Branch placed on traffic training

[D G, P T Memo No 223-B dated 12th December 1923 and letter No 207-S R 3 dated 17th May 1929 and endt. No S 203/4, dated 2nd August

Page 419, Section IV, S R 294 A—

No. 437.

Page 419, Section IV, S R 294-A (as inserted by correction slip No 172, dated the 28th January 1937)—

Insert the words " on transfer or " between the words " while " and " proceeding " occurring in the remarks in the column headed " Joining Time " against serial Nos 24 to 28 in the table below this rule

[G I F D Correction No 501 S R dated the 1st January 1940]

(No 437, dated the 1st January 1940)

No. 643

Page 419, Section IV S R 294 A (as inserted by correction slip No 172 dated the 28th January 1937)—

Insert the brackets and letter " (h) " against item 12 of the table to this Rule and *add* the following footnote after footnote " (g) " below that table —

"(h) The concession is not to be enjoyed by the Indian Vice Consul Baghdad and his staff more than once in four years while proceeding on or returning from leave This restriction will not apply when the leave on which the Government servant proceeds from Baghdad is leave on medical certificate

[G I, F D Correction No 547 (S R) dated the 1st November 1942]

(No 643 dated the 28th November 194)

No 409

No 538.

Page 419, Section IV—Supplementary Rule 294 A—

Substitute the word " Khorramshahr " for the word " Mohammerah " *against* item No 15 under the column headed " Station in the Remote Locality " in the table below this Rule, as inserted by correction slip No 172, dated the 28th January 1937

[Government of India, Finance Department, Correction No. 523(S R.), dated the 1st March 1941]

(No 538, dated the 28th February 1941)

[G I F D Corrn No 485 (S R) dated the 1st September 1939]

(No 409 dated the 1st September 1939)

[G I, F D Correction No 472 (S R) dated the 1st March 1939]

(No 369 dated the 1st March 1939)

[G I F D correction No 463 (S R) dated the 1st November 1938]

(No 334 dated the 1st November 1938)

No 526

Page 419 Section IV S R 294 A—

Substitute the following entries for Serial Nos 5, 29 and 30 respectively in the table below this Rule, as inserted by correction slip No 172 dated the 28th January, 1937 —

Station in the Remote Locality	Specified Station	Joining time
5 Kashgar	1 Srinagar	50 days
	2 Havelian	52 days
29 Gilgit Agency	1 Srinagar (a)	14 days
	2 Havelian (a)	16 days
30 Chilas	1 Srinagar (a)	14 days
	2 Havelian (a)	11 days

[G I, F D Correction No 520 (S R) dated 1st January

(No 526 dated

(Except in the case of a journey performed ... which are covered by the provision in clause (a) ...)

Route by which calculated

S R 296 By *whatever route a* Government servant actually travels, his joining time shall, unless a competent authority for special reasons otherwise order, be calculated by the route which travellers ordinarily use

Time and place from which joining time is calculated.

S R. 297. If a Government servant is authorised to make over charge of a post elsewhere than at its headquarters, his joining time shall be calculated from the place at which he makes over charge

S R 298 If a Government servant is appointed to a new post while in transit from one post to another, his joining time begins on the day following that on which he receives the order of appointment

Audit Instruction —A second period of 6 days for preparation should not be allowed in calculating the joining time of a Government servant who is appointed to a new post while in transit from one post to another

[Para 15 Sec II of Manual of Audit Instructions (1926)]

S R 299 If a Government servant takes leave while *in trans* from one post to another the period which has elapsed since he hand over charge of his old post must be included in his leave, unless tl leave is taken on medical certificate In the latter case the peri may be treated as joining time

S R 300 If a Government servant is appointed *to a new pc* while on leave on average pay of not more than four months' duratio his joining time will be calculated from his old station or from t place in which he received the order of appointment, whichever ca culation will entitle him to the less joining time

Audit Instruction —See Audit Instruction (5) below F R 10ɛ

S R 301 A competent authority may in any case extend tl joining time admissible under these rules, provided that the gener spirit of the rules is observed

Audit Instruction —If a competent authority sanctions under tl rule an extension of joining time beyond a period of 30 days for t reasons stated in clause (b) of Supplementary Rule 302 it should considered that the general spirit of the rules has been observed

[Manual of Audit Instructions (1926) No 264 dated the 2nd August 193

S R 302 Within the prescribed maximum of 30 days, a co petent authority may, on such conditions as it thinks fit, grant to Government servant a longer period of joining time than is admissil under the rules in the following circumstances —

(a) when the Government servant has been unable to use t ordinary mode of travelling or, notwithstanding due di gence on his part, has spent more time on the journ than is allowed by the rules; or

(b) when such extension is considered necessary for the pub convenience or for the saving of such public expenditu as is caused by unnecessary or purely formal transfers;

(c) when the rules have in any particular case operated harshly; as, for example, when a Government servant has through no fault on his part missed a steamer or fallen sick on the journey.

S. R. 302 A When a Government servant under the administrative control of the Governor General in Council is transferred to the control of a Government which has made rules prescribing amounts of joining time, his joining time for the journey to join his post under that Government and for the return journey will be governed by those rules

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No. 171.

Page 421, Section IV—

Delete the heading "Division XXIII—Places and stations to which Fundamental Rule 105 (*d*) applies" and the words "Rules made by the Governor General in Council under Fundamental Rule 106" in square brackets below it as well as Supplementary Rules 294 A, 303, 304, 306 and 306 A, on pages 419, 421, 423 and 425 of this Section

[G I, F D, Correction No 410 (S R), dated the 9th January 1937]

(No 171, dated the 28th January 1937.)

table, subject to any conditions mentioned in column 3 of the table.

	Karachi	
Any other place in Persia, and any place in the Persian Gulf, Arabia or Mesopotamia	Karachi	
Chumbi or Gyantse .	Gangtok	
Nepal . . .	Raxaul	For the British Envoy at the Court of Nepal the Legation Surgeon, Nepal, and the clerical establishment of the British Legation
.	Bombay or Karachi	

[1][ ] *As revised with effect from the 14th November 1931*

Place	Station.	Conditions
1	2	3
Port Blair	Calcutta, Madras	

No. 50.

Page 422, Section IV, S. R 303—

Add the following at the end of the table below this rule .—

" Kamaran . . .	Bombay or Karachi	Half the allowance permissible under Supplementary Rule 144 may be drawn if the leave is taken after 2 years and full allowance under that rule if the leave is taken after 4 years. "

[G I, F D, Corr No 360 (S R), dated 10th October 1935]

[No. 50, dated the 18th March 1936]

Mekran .	Mastung	enjoyed by any particular clerk more than once in four years
General light houses in Burma	Rangoon	Provided that joining time is

No. 51.

[illegible]—

[illegible] corresponding entry in the [illegible] in this page being omitted .—

"[illegible] Bombay or Karachi ".]

[illegible] September 1935]

[No. 51, dated the 18th March 1936]

[1]Baghdad	Karachi .	
[2]Jeddah	Bombay or Karachi	For the staff of the Indian Vice Consulate
[3]Kuala Lumpur	Negapatam	
[3]Durban	Bombay .	
[4]Misgar .	Srinagar .	The concession is not to be enjoyed by the Signaller-in charge of the Government Telegraph Office, Misgar, more than once in 4 years

~~[1] Inserted with effect from the 20th September 1930~~
[2] Inserted with effect from the 4th September 1930
[3] Inserted by G I, F D, Correction No 251 (S R), dated the 4th October 1933
[4] Inserted by G I, F D, Correction No 323 (S R), dated the 5th April 1935.

S. R. 304. The amount of joining time admissible to a Government servant under rule 303 is the actual time spent on the journey or the period, if any, shewn for the journey in the following table [1][* * *]; provided that the journey shall be held to commence on the day following the handing over of charge of the Government servant's post or on the day of his arrival at the station named in column 2 of the table below rule 303, according as the Government servant is departing on or returning from leave:— Amount of joining time admissible.

Journey	Period.
Between Nasratabad and Quetta	21 days
,, Birjand and Quetta	18 days
,, Meshed and Quetta or Spezand	26 days
,, *Kashgar and Srinagar*	*50 days*
,, Kerman and { Quetta *via* Duzdap / Karachi *via* Bundar Abbas or / Basrah }	21 days
,, [2]Shiraz and Karachi	16 days
,, [2]Kermanshah and Karachi .	19 days
,, [2]Dizful and Karachi	15 days
,, Ahwaz and Karachi	15 days
,, Maskat and Karachi .	10 days
,, ~~Baghdad and Karachi~~	~~20 days~~
,, Bundar Abbas and Karachi	13 days
,, Bushire and Karachi	12 days

No. 22.

Page 423, Section IV, S. R. 304—

Delete the entry " Between Baghdad and Karachi .... 20 days " in the table below this rule.

[G. I , F. D., Corr. No. 351 (S. R), dated 10th September 1935]

[No. 22, dated the 18th March 1936]

,, Chumbi and Gangtok	4 days.
,, Gyantse and Gangtok	14 days

1 [ ] Deleted with effect from the 18th September 1931

2 As amended with effect from the 18th September 1931.

Journey	Period	
Between Port Blair and Calcutta	7 days	The Chief Commissioner, Andaman and Nicobar Islands, has full power to increase the maximum period of joining time in special circumstances when a voyage to or from Calcutta, Madras or Rangoon takes a longer time
" Port Blair and Madras	7 days	
" Port Blair and Rangoon	4 days	
" Khatmandu and Raxaul	5 days	
" [1]Aden and Bombay or Karachi	7 days	
" Dalbandin and Nushki	1 day	For Postal and Telegraph officials only
" Nok kundi and Quetta	2 days	
" Mirjawa and Quetta	2 days	
" Duzdap and Quetta	3 days	
" Khwash and Quetta	6 days	
" Gilgit Agency and Chilas and Srinagar	14 days	
Kabul and Peshawar	12 days	
Jalalabad and Peshawar	10 days.	
Kandahar and Chaman	10 days	
Kerman and Basra	31 days	
" [2]Shiraz and Basra	14 days	
" [2]Dizful and Basra	10 days	
Ahwaz and Basra	10 days	
Bushire and Basra	10 days	
Bundar Abbas and Basra	13 days	
Lingah and Basra	The actual number of days occupied in the transmission of mail letters at the time when the journey is made, plus 8 days	
Koweit and Basra		
" Bahrein and Basra		
Maskat and Basra	15 days	

[1] As amended by G I, F D, Correction No 330 (S R), dated the 10th May 1935

[2] As amended with effect from the 18th September 1931

Journey	Period
Between Mohammerah and Basra	8 days.
,, Kermanshah and Basra	12 days
,, Mekran and Karachi or Mastung	15 days
Duzdap and Quetta	6 days
,, Meshed and Khanikin	17 days for journeys connected with leave to Europe and 26 days for other journeys
,, Nasratabad and Khanikin	21 days for journeys connected with leave to Europe and 12 days for other journeys
,, Duzdap and Khanikin .	12 days.

No. 23.

Page 425, Section IV, S. R. 304—

Insert the following in the table below this rule after the entry "Between Duzdap and Khanikin" in column 1 thereof :—

"Between Baghdad and Bombay. . | 10 days".

[illegible] 1935.]

No. 51.

Page 425, Section IV, S. R. 304—

Add the following at the end of the table below this rule :—

"Kamaran and Bombay or Karachi . | 11 days"

[G. I., F. D., Corr. No. 360 (S. R.), dated 10th October 1935.]

[No. 51, dated the 18th March 1936.]

Substitute the word "Iran" *for* the word "Persia" occurring in this rule (line 2).

[G. I., F. D., Corr. No. 357 (S. R.), dated 10th October 1935.]

[No. 47, dated the 18th March 1936.]

[illegible] under its administrative control, may be allowed joining time in accordance with the rules so prescribed

[1] Inserted with effect from the 25th September 1930

[2] Inserted with effect from the 4th September 1930

[3] Inserted with effect from the 18th September 1931

[4] Inserted by G. I., F. D., Correction No. 251 (S. R.), dated the 4th October 1933

[5] Inserted by G. I., F. D., Correction No. 323 (S. R.), dated the 5th April 1935

PART VI.—FOREIGN SERVICE.

Division XXIV.—Interest on overdue contributions.

[Rules made by the Governor General in Council under Fundamental Rule 119 (b)]

S R 307. If a contribution for leave-salary or pension, due in respect of a Government servant in foreign service, is not paid within fifteen days from the end of the month in which the pay on which it is based has been drawn by the Government servant concern-ed, interest must be paid to Government ... the ... contribu

No. 264.

Page 427, Section IV, S R 307-A—

Insert the following after S R 307 —

" Division XXIV-A —Travelling Allowance.

307-A The travelling allowance of a Government servant both in respect of the journey on transfer to foreign service and the journey on reversion therefrom to Government service will be borne by the foreign employer

NOTE.—The above rule applies even in cases where the Government servant lent takes leave on reversion before joining duty under Government '

[G I, F D, correction No 437 (S R), dated the 1st January 1938]

(No 264, dated the 28th January 1938)

[... , Corr No 304 (S R), dated 11th November 1935]

[No 57, dated the 18th March 1936]

Page 427, Section IV, S R 307—

Insert the words " or by the Government of Burma " after the words His Majesty's Government ' occurring in line 2 of the Note below this rule as inserted by correction slip No 57 dated the 18th March 1936

(This amendment takes effect from the 1st April 1937)

[G I, F D Correction No 493 (S R), dated the 1st October 1939]

(No 420, dated the 28th October 1939)



PART VII.—DELEGATIONS.

Division XXV.

[Orders issued by the Governor General in Council under Fundamental Rules 4, 6 and 7.]

S. R. 308. (a) Appendix 4 schedules the delegations of powers made by the Governor General in Council under fundamental rules 4 and 6.

(b) Appendix 13 schedules the authorities subordinate to the Governor General in Council which exercise the powers of a competent authority under the various supplementary rules made under the fundamental rules by the Governor General in Council in virtue of the power conferred upon him by fundamental rule 4.

(c) *For convenience of reference, cases in which the Finance Department has declared* under fundamental rule 7, that its consent may be presumed to have been given to the exercise by a Department of the Government of India of powers conferred by the fundamental rules upon a local Government have been included as delegations in both appendices

S. R. 309. The Finance Department has declared, under fundamental rule 7, that its consent may be presumed to have been given to the exercise by the authorities to whom they are delegated of the

No. 527.

Page 429, Secti...

No. 578

Page 429, Section IV, Supplementary Rule 310—

Insert the following as Government of India's decision below clause (*a*) of this rule (as substituted by correction slip No 527, dated the 31st January 1941) .—

"... The powers delegated to the Chief ... will be exercised by the Chief Engineer, Central Public Works Department or the Superintending Engineers, Central Public Works Department, as the case may be, also in the case of the Government ... for their administrative control."

(No. 578, dated the ...)

... resident of the first class, a Department of the Government of India or the Railway Board.

1 [ ] Inserted with effect from the 18th April 1932.

(e) Nothing contained in appendices 4 and 13 will operate to restrict powers conferred upon any authority by other rules made under the Act.

(f) The Finance Department has declared, under fundamental rule 7, that its consent may be presumed to have been given to the exercise by the Railway Department of any power under the fundamental rules which is shown as conceded to that department in the schedule of the powers of the Government of India in the Railway Department in railway matters, whether or not such power is scheduled in appendices 4 and 13.

Audit Instructions—

(1) *The Resident in Mysore, who is a competent authority* for purposes of S R 81 (*a*) as read with S R 310 (*d*), may exercise, on his own behalf, the power of sanctioning payment of transport charges of his horses while on tour, provided he gives a certificate on each occasion that the horses were transported in the interest of public service, specifying the public interest served

[Para 16, Sec II of Manual of Audit Instructions (1926)]

(2) The words 'who are under the administrative control of that authority in S R 310 (*a*) should be understood to mean 'who are serving under the orders of that authority'

[Para 16 A, Sec II of Manual of Audit Instructions (1926)]

PART VIII.—GOVERNMENT RESIDENCES.

Division XXVI.—Allotment of Residences.

[Rules made by the Governor General in Council under Fundamental Rule 45.]

S. R. 311. When a building owned or leased by Government or a portion thereof has been made available by the Government for use as a residence by an officer under its administrative control, the competent authority may allot such building or part of a building to a post specified in the order of allotment for use as a residence by the incumbent of the post.

S. R. 312. (1) The incumbent of a post to which a residence has been allotted under rule 311 shall be considered to be in occupation of the residence during the period of his incumbency unless the allotment is changed or suspended under these rules.

(2) An officer shall not be considered to be in occupation of a residence only by reason of the fact that he shares it with an officer who is in occupation thereof.

(3) An officer shall be considered to be in occupation of his residence when absent on tour or at hill station where he is permitted, but not required, by Government to reside.

(4) An officer shall not be considered to be in occupation of a residence when he proceeds on leave, unless the competent authority otherwise directs.

S. R. 313. (1) The competent authority may suspend the allotment of a residence to a post:—

(a) which is temporarily held by an officer under Fundamental Rule 49 in addition to another post, if the officer does not actually occupy the residence,

(b) the incumbent of which discharges the duties of another post, if such duties prevent him from occupying the residence;

(c) to which an officer has been transferred from another post in the same station, if the officer is in occupation of a residence allotted to such other post and the competent authority does not consider it necessary that he should change his residence;

(d) the incumbent of which habitually lives in the orthodox Indian style, if the residence has been built in the European style,

(e) the incumbent of which habitually lives in the European style, if the residence has been built in the orthodox Indian style; or

(f) in which an officer is officiating for a period not exceeding two months, if the officer is prevented from actually occupying the residence by circumstances which, in the opinion of the competent authority, justify the suspension of the allotment.

(2) No allotment shall be suspended otherwise than in accordance with sub-rule (1) save by order of the Governor General in Council.

(3) An order of suspension under this rule shall terminate on the next change of incumbents or when the [illegible]

suspension [illegible]

c l [illegible]

to [illegible]

on [illegible]

t [illegible]

term [illegible]

sul [illegible]

[illegible] shall terminate not later than the date which lessor ceases to hold the post to which the re[illegible] dence has been allotted; and

(e) the rent payable by the lessee shall not, except with t[illegible] previous sanction of the competent authority, exce[illegible] the rent payable to Government by the lessor.

S. R. 315. Officers holding posts to which residences have be[illegible] allotted may exchange residences with the permission of the author[illegible] which made the allotment. Such exchange shall not be recogni[illegible] by Government. Each officer shall remain responsible for the re[illegible] of the residence allotted to the post held by him.

S. R. 316. The competent authority may permit an officer duri[illegible] temporary absence from his station to store his furniture and ot[illegible] property at his own risk, free of rent, in the residence occupied [illegible] him prior to such absence, unless:—

(a) the officer, if any, who discharges the duties of the abse[illegible] officer is responsible for payment of the rent of t[illegible] residence, or

(b) arrangements are made to let the residence during su[illegible] temporary absence.

316-A. See Sup 499

S. R. 317 (1) Rules 311 to 316, both inclusive, shall be deem[illegible] to have come into force on the 1st April 1924, see Sup 500

(2) Rules 311 to 316, both inclusive, shall not apply to any class of residence in respect of which rules, other than rules 311 to 316,-A made by the Governor General in Council under Fundamental Rule 45, are in force

Division XXVI-A.—Allotment of Residences in Simla to officers whose emoluments are Rs. 600 or more per mensem.

[Rules made by the Governor General in Council under F R 45]

S R s 317 A to 317 V and Schedule —*Not printed*

Division XXVI-B.—Allotment of Residences in New Delhi to officers whose emoluments are Rs. 600 or more per mensem.

[Rules made by the Governor General in Council under F R 45]

S R s 317 A I to 317 V I and Schedule —*Not printed*

Division XXVI-C.—Allotment of Residences in New Delhi to married officers whose emoluments are less than Rs. 600 per mensem.

Division XXVI-F.—Allotment of Residences to permanent and Candidate officers of the Bombay Customs Preventive Service.

[Rules made by the Governor General in Council under F R 45]

S. R.'s 317-A-V to 317-P-V – *Not printed.*

Division XXVI-G.—Allotment of Residences under the Administrative control of the Northern India Salt Revenue Department.

[Rules made by the Governor General in Council under F. R 45]

S R 's 317-A-VI to 317-P-VI —*Not printed*

Division XXVII.—Rent of Government Residences.

[Rules made by the Governor General in Council under Fundamental Rule 45 A.]

[1]S. R. 318. For the purposes of clause II of Fundamental Rule 45-A, the present value of a residence including its subsidiary buildings, and of the site on which it stands, shall be estimated by—

(a) a Public Works Officer, of rank not lower than an Executive Engineer, nominated in that behalf by the competent authority, or

(b) a Divisional Engineer of the Indian Posts and Telegraphs Department, when the residence is in charge of the said Department, and when—

(i) the residence is in occupation of an officer whose pay does not exceed Rs. 150 a month; or

(ii) the capital costs of the residence and of the subsidiary buildings attached thereto, are known only collectively but not separately.

The estimate shall be forwarded to the competent authority, who shall determine the present value of the residence and of the site.

S. R. 319. For the purposes of clause II of Fundamental Rule 45A, expenditure incurred on such works as:—

(a) raising, levelling and dressing sites;

(b) construction of *revetments, retaining walls, compound* walls, fences, and gates;

(c) storm water drainage; and

(d) approach roads and paths within the compound;

shall be regarded as expenditure upon the preparation of a site.

[1] As revised by G I, I & L D, Notfn No B 9, dated the 29th September 1933.

S. R. 320. For the purposes of proviso (vi) to clause II of Fundamental Rule 45A, the following shall be regarded as fittings, namely:—

No. 324.

Page 435, Section IV, S. R. 320—

Insert the following after item (c) under " Electric fittings " in this rule.—

" (d) Electric heaters and water heaters, which are fixed to walls, floors or ceilings."

(This amendment takes effect from the 31st May 1938.)

No. 574.

Page 435, Section IV, Supplementary Rule 320 (as amended by correction slips No 324, dated the 1st September 1938 and No 554, dated the 28th April 1941)—

Delete the comma (,) and the words " the hire of which is not charged separately " in item (c) under " Electric Fittings " and also under " Sanitary and water supply Fittings " in this Rule 324,

[Government of India, Finance Department, correction No. 531 (S. R), dated the 1st November 1941] the

(No 574, dated the 28th November 1941.) 1.)

competent authority to be the probable cost of the maintenance and repairs of the residence (including maintenance and repairs of any additional work done at Government expense) and all the rates or taxes [2][in the nature of house or property tax payable in respect of the residence] under any law or custom by the owner to a municipality or other local body, unless the amount of such rates or taxes has been included in the sum paid to the lessor, and

(b) for meeting such charges for capital expenditure on additions or alterations and for the interest on such capital expenditure, an amount estimated by the competent authority to be sufficient to repay to Government during the period of the lease such charges, or such part thereof as the lessor may not have agreed to reimburse to Government *plus* interest calculated at the rate fixed by the Secretary of State in Council under sub-clause (b) (i) of clause III of Fundamental Rule 45A—

(i) if no part of such charges is to be reimbursed by the lessor, on half such charges; or

(ii) if part of such charges is to be reimbursed by the lessor, on half the sum of such charges and the amount to be reimbursed,

1 As revised with effect from the 22nd September 1930

2 [ ] Substituted for "if any payable" by G I, I & L D, Notfn No. B 29, dated the 24th February 1932

Fundamental Rule 45A, are ... orce) the rent to be charged for such services in addition to ... ing the same period as, the rent payable under clau... amental Rule 45A, shall be determined by the ... subject to the following provisions, namely:—

(a) ...

... furniture be calculated for

see S.R. 49?

Page 135, Section ...

Insert the follow... ...b) of sub rule (1) of this rule.—

" Provided that in ...

in Simla, New Delhi and ... 325—

in Rules 323 and 324, with th... proviso to clause (*b*) of sub rule

additions and alterations may ... Slip No. 335, dated the 1st

increase in the rent shall be 4 per cent...

the 5 per cent laid down in those rules. ...*utandis* in the event of a

(This amendment takes effect from the ...

April 1938 in New Delhi and Delhi) ...tion No. 515 (S. R.), dated

(G. I., F. D. correction No. 464 (S. R.), dated the 1st ...

(No. 335, dated 25th September 1940)

[1](2) If a residence is supplied by Government ... electric energy and water ~~and meters (see Supplementary Rule 330)~~ the charges for such services shall be recovered in addition to the rent payable under sub rule (1) and under clause IV of Fundamental Rule 45-A, and shall be determined by the competent authority subject to the following provisions, namely:—

(a) In the case of electric energy and water, the supply of which is regulated by meters, the charges shall be calculated on the number of units consumed each month as indicated by the meters. The rate of the cost per unit shall be so fixed as to include, in addition to such margin of profit to Government as the competent authority may deem reasonable, the amount required for the payment of—

(i) interest at a rate to be fixed by the Governor General in Council from time to time in this behalf on the capital outlay incurred on the system up to the point of contact with the internal installation,

(ii) depreciation and maintenance charges on the capital assets, and

(iii) actual running expenses

(b) In the case of electric energy and water, the supply of which is not regulated by meters, the charges recoverable shall be fixed at such rates as the competent authority may deem reasonable.

~~(c) In the case of meters, the charges shall be recovered for the period of actual use, subject to a minimum of one month and to broken periods being treated as a whole~~

[1] As revised by G. I., I. & L. D., Notfn. No. B 9, dated the 2nd March 1932

Pages 437-439, Section IV, Supplementary Rule 325 (as amended by correction slips No 335, dated the 1st November 1938 and No 497, dated the 25th September 1940)—

Make the following amendments in sub rule (2) of this Rule —

(i) *Delete* the words " and meters (See Supplementary Rule 320) " occurring in the second line ,

(ii) *Delete* clause (c) and re letter clause (d) as clause (c) ,

(iii) *Substitute* " clause (a) (i) " for " clauses (a) (i) and (c) (i) " occurring in lines 1 2 of clause (c) re lettered as above ;

(iv) *Substitute* " electric energy and water " *for* " electric energy, water and meters " occurring in the fourth line of the proviso

[Government of India, Finance Department, correction No. 531 (S R), dated the 1st November 1941]

(No 575 dated the 28th November 1941)

No 569

Page 439, Section IV, Supplementary Rule 325—

Substitute the following *for* item (2) of the Government of India's decision *below* this rule, as inserted by correction slip No 107, dated the 27th July 1936 —

" (2) The

Rule 325 (I) th

and bungalows [illegible] Posts and Telegraphs Department should be fixed at the rates noted below —

	Percentages at which standard rent should be charged on the capital cost of furniture supplied	
	Durable	Non durable
	Per cent	Per cent
I *New Delhi—*		
(1) Furniture in residences of Gazetted Officers	11 25	14 25
(2) Furniture in quarters of non gazetted officials —		
(i) Unorthodox	14 25	21 25
(ii) Orthodox	15 25	21 25
II *Places other than New Delhi—*		
(1) Furniture in residences of Gazetted Officers	11 25	14 25
(2) Furniture in quarters for non gazetted officials (both orthodox and unorthodox)	14 25	21 25

[Financial Adviser (Communications) endorsement No N 232/39, dated the 22nd April 1941]

(No 569, dated the 28th August 1941)

1 As revised by G I I & L D Notification No B 9 dated the [illegible] 1932

2 As revised by G I I & L D Notfn No B 9, dated the 29th September 1933

(b) a Divisional Engineer of the Indian Posts and Telegraphs Department, when the residence is in charge of the said Department and when—

(i) the residence is in the occupation of an officer whose pay does not exceed Rs. 150 a month; or

(ii) the capital cost of the residence and of the subsidiary buildings attached thereto, are known only collectively but not separately.

The estimate shall be forwarded to the competent authority, who shall determine the present value of the residence and of the site.

S. R. 328. For the purposes of clause II of Fundamental Rule 45B, expenditure incurred on such works as:—

(a) raising, levelling and dressing sites;

(b) construction of revetments, retaining walls, compound walls, fences and gates;

(c) storm water drainage;

(d) approach roads and p...

shall be regarded as expenditure ...

S. R. 329. For the purpo... Fundamental Rule 45-B, the follo... namely:—

Electric

(a) Lamps of all kinds (excl...

[1](b) Fans, including switche... is not charged separa...

(c) Meters, ~~the hire of wh~~...

(d) See No 325 555

(e) *Sanitary and Wate*...

(a) Apparatus for hot wate...

(b) Baths, basins and lavat...

(c) Meters, ~~the hire of w~~...

S. R. 330. In the calculatio... residence under sub-clause (a) of... 45B, the addition to be made for... ment other than the sum paid to t...

(a) for meeting such charges fo... ...cial maintenance and repairs, th... ...d by the competent authority to be t... ...cost of the maintenance and repairs of the r... ...e (including maintenance and repairs of any additional work done at Government expense) and all the rates or taxes [2][in the nature of house or property tax payable in respect of the residence]

[1] As revised with effect from the 22nd September 1930

[2] [ ] Substituted for ', if any, payable' by G I, I & L D Notfn No 29, dated the 24th February 1932

under any law or custom by the owner to a municipality or other local body, unless the amount of such rates or taxes has been included in the sum paid to the lessor, and

(b) for meeting such charges for capital expenditure on additions or alterations and for the interest on such capital expenditure an amount estimated by the competent authority to be sufficient to repay to Government during the period of the lease such charges, or such part thereof as the lessor may not have agreed to reimburse to Government, *plus* interest calculated at the rate fixed by the Secretary of State in Council under sub-clause (b) of clause III of Fundamental Rule 45B—

(i) if no part of such charges is to be reimbursed by the lessor, on half such charges, or

(ii) if part of such charges is to be reimbursed by the lessor on the expiry of the lease, on half the sum of such charges and the amount to be reimbursed.

S. R. 331 (1) In the calculation under sub-clause (b) of clause III of Fundamental Rule 45B of the standard rent of a residence owned by Government, the addition to be made for municipal and other taxes payable by Government, and for both ordinary and special maintenance and repairs shall be—

(a) the amount estimated by the competent authority to be the probable cost of the maintenance and repairs of the residence *plus* the amount of the rates or taxes [1][in the nature of house or property tax payable in respect of the residence] under any law or custom by the owner to a municipality or other local body; or

(b) if no such estimate has been made, a percentage of the sum taken under clause II of Fundamental Rule 45B as the capital cost of the residence, to be fixed by the competent authority and based on the average proportion which the amounts actually charged for such taxes, maintenance and repairs in respect of residences of similar design and with similar conveniences in the same locality bear to the capital cost of such residences.

(2) For the purpose of making the estimate or fixing the percentage referred to in sub rule (1)—

(a) "probable cost" shall include all charges which may reasonably be expected to be incurred;

(b) "ordinary repairs" shall include repairs executed annually or periodically, but shall not include special repairs;

(c) "special repairs" shall include renewal of floors and roofs and other replacements recurring at long intervals; and

[1] [ ] Substituted for , if any, payable' by G I I & L D, No B 29, dated the 24th February 1932

(d) the cost of probable cost of repairs necessitated by the occurrence of fire, flood, earthquake, abnormal storm or other natural calamity shall not be taken into consideration.

(3) The competent authority may at any time revise the amount estimated or the percentage fixed by it under sub-rule (1) and shall so revise it if no revision has taken place for five years

S. R. 332. When the standard rent of a residence has been calculated, minor additions and alterations may be made without the rent of the residence being increased, subject to the following conditions, namely.—

(a) the total cost of such additions and alterations shall not exceed 5 per cent. of the capital cost on which the standard rent was last calculated, and

(b) such additions and alterations shall be made within five years after the last calculation of the standard rent.

S. R. 333. (1) When, by reason of additions and alterations, the capital cost of a residence exceeds by more than 5 per cent. the capital cost on which the standard rent was last calculated, the standard rent shall be recalculated with effect from the 1st April next following or from the date upon which a new tenant becomes liable for the payment of rent, whichever is earlier.

(2) Subject to the provisions of sub-rule (1), the standard rent of a residence shall be recalculated on the expiry of five years from the date of the last calculation [1][and the recalculation shall take effect from the 1st April next following, or from such other date as the Governor General in Council may direct].

S. R. 334. (1) If a residence is supplied with services such as water-supply, sanitary or electric installations and fittings, furniture, tennis court or garden maintained at the cost of Government (other than a garden in respect of which rules, other than these rules, made by the Governor General in Council under clause VI of Fundamental Rule 45B, are in force) the rent to be charged for such services in addition to, and during the same period as, the rent payable under clause IV of Fundamental Rule 45B shall be determined by the competent authority subject to the following provisions, namely:—

(a) the rent shall, in the case of furniture, be calculated for durable and non-durable articles separately;

(b) the rent shall be expressed as a monthly rent and shall be one twelfth of the amount annually required for the payment of:—

(i) interest at a rate to be fixed from time to time by the Governor General in Council in this behalf on the capital cost of such services,

(ii) in the case of such services other than tennis court and garden, depreciation and repairs, and

[1] [ ] Inserted by G I I & L D (P W Br), Notfn No B. 9, dated the 19th March 1935

(iii) in the case of tennis court and garden, maintenance charges; and

No. 577.

Pages 442 444, Section IV, Supplementary Rule 334 (as amended by correction slips No 336, dated the 1st November 1938 and No. 498, dated the 25th September 1940)—

Make the following amendments in sub rule (2) of this Rule —

(i) *Delete* the words "and meters (See Supplementary Rule 329)" occurring in the second line,

(ii) *Delete* clause (c) and re letter clause (d) as clause (c),

(iii) *Substitute* "clause (a) (i)" *for* "clauses (a) (i) and (c) (i)" occurring in lines 1 2 of clause (c) re lettered as above,

(iv) *Substitute* "electric energy and water" *for* "electric energy, water and meters" occurring in lines 4 5 of the proviso

[Government of India, Finance Department, correction No 531 (S R), dated the 1st November 1941]

(No 577, dated the 28th November 1941

(i) interest at a rate to be fixed by the Governor General in Council from time to time in this behalf on the capital outlay incurred on the system up to the point of contact with the internal installation;

(ii) depreciation and maintenance charges on the capital assets; and

(iii) actual running expenses.

(b) In the case of electric energy and water, the supply of which is not regulated by meters, the charges recoverable shall be fixed at such rates as the competent authority may deem reasonable.

(c) In the case of meters, the charges shall be recovered for

INDEX.

This Index has been compiled solely for the purpose of assisting references. No expression used in it should be considered in any way as interpreting the rules. The following abbreviations have been used :—

C. C. A R .	Civil Services (Classification, Control and Appeal) Rules	S R	Supplementary Rules.
		A I	Audit Instruction
		A R	Audit Ruling
F. R. (II)	Fundamental Rules in Section II	S S	Secretary of State
		G I	Government of India
F. R (III)	Fundamental Rules in Section III	Ar G	Auditor General in India
F. R	Fundamental Rules in either Section	D G	Director General of Posts and Telegraphs.

A

D

Rules

G

J

F

Rules

N

O

Rules

Transfer—*contd*

NOTE OF POSTING OF CORRECTIONS.

Serial No. of correction.	Rule affected	Date of posting	Serial No. of correction.	Rule affected.	Date of posting	Serial No. of correction.	Rule affected.	Date of posting.
1-94	Carried out					320	S.R. 4-A Sec. IV	
95-102	"					321	S.R. 197	
103-120	"					322	S.R. 204	
121-145	"					323	S.R. 205	
146-163	"					324	" 320	
164-173	"					325	" 329	
174-206	"					326	F.R. 87	
207-250	"					327	" 75-A	
251-269	"					328	" 9(23) Sec. III	
270-316	"					329	" 9(23) " "	
317	F.R. 9(6) Sec. II					330	S.R. 114	
318	S.R. 92	10/6/38				331	F.R. 9(30) Sec. III	
319	S.R. 294 Sec. IV					332	S.R. 294	
						333	S.R. 88 Sec. IV	
						334	S.R. 294-A Sec. IV	
						335	S.R. 325 Sec.	
						336	S.R. 334 Sec. I	
						337	F.R. 30 Sec. II	
						338	F.R. 31 Sec. II	
						339	S.R. 73	
						340	" " "	
						341	Page 18	
						342	S.R. 116 Sec. IV	
						343	F.R. 77 Sec. II	
						344	F.R. 9(6) Sec. II	
						345	F.R. 81 Sec. III	
						346	F.R. 17 Sec. II	

Initials and dates of posting written across the first two sections: 28/7/36; 21/11/36; 20/1/37 (?); 10/3/37; 2.6.37; 4/11/37; 14/2/38; 26/3/38; 30/11/38; 10/6/38.

NOTE OF POSTING OF CORRECTIONS—contd.

Serial No. of correction	Rule affected	Date of posting
443	S.R. 42 Sec III	
444	F.R. 45 Sec III	
445	" 105 " "	
446	S.R. 114 " IV	
447	F.R. 105 " III	
448	" 107 " "	
449	S.R. 191 " IV	
450	" 313 " "	6.4.40
451	F.R. 9(b) " III	
452	" " " "	
453	S.R. 195 " IV	
454	" 193 " "	
455	" 206 " "	
456	" " " "	
457	F.R. 45-A " III	
458	S.R. 116 " IV	
459	(Sec 30)	
460	" 150	
461	" 219	
462	" 324-25	20/7/40
463	" 376	
464	" 320	
465	" 330	
466	" 124	
467	406	
468	" 226	12/10/40
469	" 389	
470	" 389-90	
471	" 247	
472	" 80	
473	" 220	
474	" 209	
475	" 389	
476	" 390	
477	" 129	
478	" 146	
479	" 147	
480	" 225	

Serial No. of correction	Rule affected	Date of posting
481	F.R. 36 Sec III	
482	" " " "	
483	S.R. 141/IV A Sec	
484	" 217 Sec IV	
485	" 22 Sec IV	
486	Contents, Summary, ch. I, Schedule II, & 15a-26	
487	F.R. 11 Sec III	
488	" 20 " III	
489	S.R. 286 Sec IV	
490	F.R. 9(b) Sec III	
491	Do.	
492	F.R. 61 Sec II	
493	F.R. 100-B Sec II	
494	F.R. 61 Sec III	4/11
495	F.R. 100-B Sec III	
496	S.R. 121 Sec IV	
497	S.R. 323 Sec IV	
498	S.R. 334 Sec IV	
499	S.R. 316-A Sec IV	
500	S.R. 317	
501	" 42	
502	" 132	
503	" 82	
504	F.R. 4 Sec III	
505	F.R. 8 Sec III	

Serial No. of correction	Rule affected	Date of posting
506	S.R. 111	[illegible]
507	F.R. 114 Sec III	
508	F.R. 91 Sec III	[illegible]
509	F.R. 11(2) Sec III	
510	F.R. 70 (Sec III)	
511	F.R. 9(23) Sec III	
512	F.R. 75 (Sec III)	
513	S.R. 6 (Sec IV)	
514	S.R. 87 (Sec IV)	
515	S.R. 85	
516	S.R. 127	
517	" 17	
518	" 155	
519	F.R. 65 (Sec III)	
520	S.R. 286	
521	F.R. 81 (Sec III)	
522	Para 17	
523	" 19	
524	F.R. 86 (Sec III)	
525	S.R. 6-A Sec IV	
526	S.R. 294-A	
527	" 130	
528	F.R. 100-B (Sec III)	
529	" 30 (Section III)	
530	S.R. 124	

NOTE OF POSTING OF CORRECTIONS—*contd*

Serial No of correction.	Rule affected	Date of posting	Serial No of correction	Rule affected	Date of posting	Serial No. of correction.	Rule affected.	Date of posting.
531	S R 125	B/19 5/41	566	F.R 45 B	Sec. II	598	SR p. 124	
532	" 126		567	SR 124	" IV	599	p. 24-62	
533	6-C		568	" 294-A	"	600	p. 133	
534	" 229		569	" 325	19.3.42	601	p. 320	
535	" 46		570	" 36		602	" 283	
536	" 195		571	" 86		603	" 257	
537	" 46		572	" 31		604	" 259	
538	" 294-A		573	" 316A		605	" 257	
539	" 95	B/9-7-41	574	" 674		606	" 432	
540	FR 20 Sec III		575	" 325		607	" "	
541	S.R. 92		576	" 329		608	" 26	
542	FR 9(5) Sec III		577	" 317		609	" 362	
543	FR 14 A	Sec. II	578	" 316		610	" 124	
544	" 30	"	579	353	5.6.42	611	" 301	
545	" 86	"	580	158		612	" 131	
546	SR 127	" IV	581	73		613	" 184	
547	F.R 105	" III	582	83		614	" 348	
548	SR 300	" IV	583	159		615	" 152	
549	SR 6-A	" "	584	287		616	" 269	
550	FR 61	" III	585	353		617	" 125	
551	" 100-B	" "	586	353		618	" 125	
552	" "	" "	587	261		619	" 126	
553	S R 101	" IV	588	17		620	" 183	
554	SR 32	"	589	124		621	" 98	
555	SR 329	"	590	361		622	" 51	
556	" 4 A	"	591	p. 267 Sec III	B/29/4	623	" 349	
557	" 57	"	592	" 126 " "		624	" 293	
558	" 313	"	593	" 338		625	" 296	
559	" 46	"	594	p 412		626	" 207	
560	FR 70	" III	595	" "		627	" 76	
561	" 86	" III	596	" 413		628	" 42	
562	SR 114	" IV	597	" 341		629	" 342	
563	FR 9(19)	" III				630	" 364	
564	FR [illegible]	" III				631	" 364	
565	" 45 A	" III				632	" 19	
						633	" 139	
						634	" 313	
						635	" 309	

NOTE OF POSTING OF CORRECTIONS—*contd.*

Serial No. of correction	Rule affected	Date of posting	Serial No of correction	Rule affected	Date of posting	Serial No of correction	Rule affected	Date of posting
636	P. 128		[illegible]	P 14[illegible]		705	P. 333	
637	" 124		[illegible]	" 116		706	" 210	
638	" 246		[illegible]	234		707	" 149	
639	" 286		[illegible]	" [illegible]		708	" 367	
640	" 287		[illegible]	" 40[illegible]		709	" 406	
641	" 287-8	69 11/4/43	[illegible]	" 4[illegible]		710	" 406	
642	" 368-69		[illegible]	" 40[illegible]		711	" 124	
643	" 419		67[illegible]	401	—	712	" 146	
644	" 329		[illegible]	[illegible]		713	" 124	
645	" 361		[illegible]	[illegible]		714	" 293	
646	" 156		[illegible]	" 353		715	" 313	
647	" 52		[illegible]	175		716	" 314	
648	" 57		[illegible]	313		717	" 384	
649	" 124		[illegible]	35		718	" 195	
650	" 333		683	[illegible]		719	" 353	
651	" 309	Recd 5/6/43	684	13		720	" 140	
652	" 313		[illegible]	" 3[illegible]		721	" 171	
653	" 165		[illegible]	" 3		722	" 158	
654	" 261-6		[illegible]	" 3[illegible]		723	" 375	
655	" 406	109 5/6/43	680	207		724	" 39	
656	" 158		[illegible]	[illegible]		725	" 93	
657	" 124		[illegible]	" 3		726	" 42	
658	" 146		[illegible]	" [illegible]		727	" 42	
659	" 337		[illegible]	" [illegible]		728	" 230	
660	" 226		[illegible]	" [illegible]		729	" 231	
661	" 331		[illegible]	" 321		730	" 267	
662	" 230	107 11/11/43	[illegible]	" 314		731	" 287	
663	" 231		[illegible]	" 321		732	" 322	
664	209		[illegible]	" 46		733	" 247	
665	361		[illegible]			734	" 90	
666	" 131		698	" 353		735	" 246	
667	" 155		699	" 124		736	" 42	
668	" 276		700	" 146		737	" 146	
			701	" 406	108 4/3/44	738	" 146	
			702	" 157		739	" 247	
			703	" 362		740	SR 195	
			704	" 158		741	FR 16	
						742	SR 73	
						743	SR [illegible]	
						744	"	

NOTE OF POSTING OF CORRECTIONS—*contd*

Serial No of correction	Rule affected.	Date of posting.	Serial No. of correction.	Rule affected.	Date of posting.	Serial No. of correction.	Rule affected	Date of posting.
745	SR 286-C							
746	SR 206							
747	SR 311							
748	SR 4							
749	SR 88							
750	SR 116							
751	SR 36							
752	FR 30							
753	FR 30							
754	SR 46							
755	SR 51							
756	SR 51							
757	SR 1							
758	SR 17	[illegible]						
759	" 193	19/5/45						
760	" 116							
761	" 86							
762	FR 114							
763	FR 19							
764								
765	FR 100							
766	" 100B							
767	" 77							
768	" 100							
769	" 77							
770	" 10							
771	SR 4A							
772	FR 45A							
773	FR 105							
774	FR 117							
775	SR 114							
776	SR 51							

NOTE OF POSTING OF CORRECTIONS—*contd.*

Serial No. of correction.	Rule affected.	Date of posting	Serial No. of correction	Rule affected.	Date of posting	Serial No. of correction.	Rule affected.	Date of posting.

EIGHTY THIRD LIST OF CORRECTIONS TO THE POSTS AND TELEGRAPHS COMPILATION OF FUNDAMENTAL AND SUPPLEMENTARY RULES—SECOND EDITION (REVISED)—VOLUME I.

No 805

Page 411, *Section IV, S.R* 285—

Insert the following as item (2) of Government of India s decisions below this rule —

' (2) *See* Government of India s decisions below Rule 15 of Appendix 7 A to Volume II of this Compilation, as inserted by correction slip No 417, dated the 28th January 1946 '

(No 805, dated the 28th November 1945)

No 806

Page 413 *Section IV, S R* 286 C—

Insert the following as Government of India s decisions below this rule —

Government of India s decisions—*See* Government of India s decisions below rule 15 of Appendix 7 A to Volume II of this Compilation, as inserted by correction slip No 417 dated the 28th January 1946

(No 806 dated the 28th November 1945)

No 807

Page 382 *Section IV S R* 191—

Substitute the following for serial No 5 of item (1) of the Government of India s declaration below this Rule as amended by item (b) of correction slip No 449 dated the 28th February 1940 —

5 Chief Auditors excepting Chief Auditor Railway Clearing Accounts

[Auditor General s u o No 2278 GBE|KW 619-41 dated the 21st August 1945]

(No 807, dated the 28th November 1945)

No 808

Page 256 *Section III, F R* 105—

Insert the following as a separate sub para of item (4) of the Government of India s decisions below this Rule as inserted by correction slip No 773 dated the 28th August 1944 —

This also applies to a Government servant selected after an interview for appointment to a post under Central Government

[*Government of India Finance Department,* endorsement No *F 3(4)* RI|44, dated the 17th July 1945]

(No 808, dated the 28th November 1945)

No 809

Page 69, *Section II, F.R* 56—

Insert the following in its proper place, re numbering the existing sub-clause (2) under (c) (vii) of this Rule as sub-clause (2) (a) —

" (2) (b) *Military Officers of the Indian Political Service* cease to be in civil employ on reaching the age of 55 years unless granted an extension by the Governor General in Council "

(This amendment takes effect from the 31st January 1945)

[Government of India, Finance Department Correction No 141(F.R), dated the 1st March 1945 and Government of India, Finance *Department*, u/o No D 2843 R.II|45, dated the 13th September 1945]

(No 809, dated the 28th November 1945)

Price Anna 1 or 1½ d

/

EIGHTY-THIRD LIST OF CORRECTIONS TO THE POSTS AND TELEGRAPHS COMPILATION OF FUNDAMENTAL AND SUPPLEMENTARY RULES—SECOND EDITION (REVISED)—VOLUME I

No 805

Page 411, *Section IV, S.R* 285—

Insert the following as item (2) of Government of India's decisions below this rule —

"(2) *See* Government of India's decisions below Rule 15 of Appendix 7 A to Volume II of this Compilation, as inserted by correction slip No 417, dated the 28th January 1946"

(No 805, dated the 28th November 1945)

No 806

Page 413, *Section IV, S R* 286 *C*—

Insert the following as Government of India s decisions below this rule —

'*Government of India's decisions*—*See* Government of India's decisions below rule 15 of Appendix 7 A to Volume II of this Compilation, as inserted by correction slip No 417 dated the 28th January 1946 '

(No 806, dated the 28th November 1945)

No 807

Page 382 *Section IV S R* 191—

Substitute the following for serial No 5 of item (1) of the Government of India s declaration below this Rule as amended by item (b) of correction slip No 449 dated the 28th February 1940 —

"5 Chief Auditors excepting Chief Auditor Railway Clearing Accounts"

[Auditor General s u o No 2278 GBE|KW 619-41, dated the 21st August 1945]

(No 807, dated the 28th November 1945)

No 808

Page 256 *Section III, F R* 105—

Insert the following as a separate sub para of item (4) of the Government of India's decisions below this Rule, as inserted by correction sl p No 773, dated the 28th August 1944 —

"This also applies to a Government servant selected after an interview for appointment to a post under Central Government"

[Government of India, Finance Department, endorsement No F 3(4) RI|44, dated the 17th July 1945]

(No 808, dated the 28th November 1945)

No 809

Page 69, *Section II, F R* 56—

Insert the following in its proper place, re numbering the existing sub-clause (2) under (c)(vii) of this Rule as sub-clause (2)(a) —

"(2) (b) Military Officers of the Indian Political Service cease to be in civil employ on reaching the age of 55 years unless granted an extension by the Governor General in Council"

(This amendment takes effect from the 31st January 1945)

[Government of India, Finance Department, Correction No 141(F.R), dated the 1st March 1945 and Government of India, Finance Department, u|o No. D 2843-R II|45, dated the 13th September 1945]

(No 809, dated the 28th November 19

Price Anna 1 or 1½ d

EIGHTY-THIRD LIST OF CORRECTIONS TO THE POSTS AND TELEGRAPHS COMPILATION OF FUNDAMENTAL AND SUPPLEMENTARY RULES—SECOND EDITION (REVISED)—VOLUME I

No 805

Page 411, *Section IV, S.R* 285—

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(*No 805, dated the 28th November*

No 806

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(No 806, dated the 28th November

No 807

Page 382 *Section IV S.R* 191—

Substitute the following for serial No 5 of item (1) of the Government of India s declaration below this Rule as amended by item (b) of correction slip No 449 dated the 28th February 1940 —

' 5 Chief Auditors excepting Chief Auditor, Railway Clearing Accounts"

[Auditor General s u o No 2278 GBE|KW 619-41, dated the 21st August

(No 807, dated the 28th November

No 808

Page 256 *Section III, F R* 105—

Insert the following as a separate sub para of item (4) of the Government of India s decisions below this Rule, as inserted by correction slip No 773, dated the 28th August 1944 —

"This also applies to a Government servant selected after an interview for appointment to a post under Central Government"

[Government of India, Finance Department, endorsement No F 3(4) R I dated the 17th July 1945]

(No 808, dated the 28th November 1945)

No 809

Page 69, *Section II, F.R* 56—

Insert the following in its proper place, re numbering the existing clause (2) under (c)(vii) of this Rule as sub-clause (2)(a) —

"(2) (b) Military Officers of the Indian Political Service cease in civil employ on reaching the age of 55-years unless granted an by the Governor General in Council"

(This amendment takes effect from the 31st January 1945)

[Government of India, Finance Department, Correction No 141 the 1st March 1945 and Government of India, Finance D D 2843-R.II|45, dated the 13th September 1945]

(No 809, dated the 28th N

Price Anna 1 or 1½ d

No 814.

Pages 365-366, *Section IV, S R* 150—

Substitute the following for this rule and the Note there under —

"150 (1) The Chief Commissioner of the Andaman and Nicobar Islands may grant to any subordinate Government servant employed in the Islands other than a member of the Andaman and Nicobar Police Force a free passage to India for himself and his family on dismissal or retirement If a subordinate dies while so employed, the Chief Commissioner may similarly grant a free passage to his family

(2) The Chief Commissioner may grant to a member of the Andaman and Nicobar Police Force a free passage to India for himself and his family on discharge, dismissal, resignation or retirement and a similar passage to his family if he dies while in service He may also grant to such a member, if he honourably quits the service or is discharged as a rejected recruit, railway fares for himself and his family from the port of disembarkation in India to the railway station nearest his home

Note—(1) For the purposes of sub rule (2), a member of the Andaman and Nicobar Police Force shall not be deemed to quit the service honourably who—

(a) resigns

(b) is discharged as inefficient within his probationary period,

(c) is dismissed,

(d) is compulsorily retired due to unsatisfactory service,

(e) is invalided, when invalidment is due to intemperance or neglect, direct or contributory

(2) Railway fares granted under the provisions of sub rule (2) shall be of the same class or, as the case may be, for the same class of accommodation as would be admissible to the member and|or his family under the provisions of Rule 141 A"

[G I. F D Correction No 579(S R.), dated the 1st December 1945]

(No 814, dated the 28th November 1945)

No 815

Page 124, *Section III, F.R* 9(6)—

Insert the following as item (23) of the Government of India's orders under this Rule —

"(23) A telegraphist of the Indian Posts and Telegraphs Department who is selected for promotion to the Telegraph Masters' grade may, when deputed for practical training, be granted reasonable joining time (not exceeding three days in addition to the actual transit time) for the journeys to and from the place of training such period being treated as 'duty' under Fundamental Rule 9(6)(b)(i) The pay to be drawn during this period shall be restricted under Fundamental Rule 20 to the substantive pay actually drawn before joining the training class, unless special sanction of competent authority is accorded for the drawal of officiating pay, if any, during the period of transit"

(This amendment takes effect from the 1st January 1944)

[Financial Adviser (Communications') endorsement No S-166-3|45, dated the 3rd October 1945.]

(No 815, dated the 28th November 1945

No 810.

Page 419, *Section IV, S.R* 294-A (*as inserted by correction slip No* 172, *dat the* 28*th January* 1937)—

Insert the following as a new entry in its proper place in the table belo this Rule —

" 44. Jiwani Karachi 11 days.

[Government of India, Finance Department, Correction No 576(S R), date the 1st September 1945]

(*No* 810, dated the 28th November 1945)

No 811

Page 363, *Section IV, S R* 141 *A*—

Substitute the following for clause (a) of sub paragraph (i) of this Rule *together with the Note there* under as substituted by correction slip No 483, dated the 28th July 1940 —

" (a) To all ranks proceeding on or returning from leave on medical certificate or, at intervals of not less than *four* years, other leave (including leave on average pay), free of charge Provided that, instead of third class accommodation, Inspectors, Sub Inspectors *and* Assistant Sub-Inspectors are entitled to intermediate fare, or, if there is no intermediate class, second class fare in the case of the first, and third class fare in *the case of the other two*

Note —Inspectors, Sub Inspectors and Assistant Sub Inspectors are entitled to second class accommodation for journeys by sea *and Inspectors* whose pay exceeds Rs ,200 a month are entitled to second class accommodation for journeys by river steamer and by railway "

[G I F D, *Correction No* 577(S R), dated the 1st December 1945]

(No 811, dated the 28th November 1945)

No 812

Page 363, *Section IV, S.R* 141 *A*—

Substitute the word " constables " *for* the word " sepoys " in line 1 and the word " four " *for the word* " five " in line 3 of sub-paragraph (ii) *of this* Rule, as inserted by *item* (ii) of correction slip No 96, dated the 25th June 1936

[G I F D Correction No 577(S R), dated the 1st December 1945]

(No 812, dated the 28th November 1945)

No 813

Page 378, *Section IV, S.R* 181 *B*—

Insert the following as a new Rule —

" 181 B A Government *servant*, when *making* a journey by air in a Government machine or in a machine chartered by Government for the purpose, shall *pay* a first class full or half railway fare, as the case may be, to Government on behalf of each person not entitled to travel in that machine who may accompany him

Note —If a Government servant *wishes to take with* him any ' *non* entitled ' person in a Government machine or in a machine chartered by Government, he should *obtain* the sanction of the head of the department or if he himself is the head of the department of the department of the Government of India *administratively* concerned The sanctioning authority, in giving such sanction, should satisfy itself that no extra *expenditure* is *caused to* Government thereby "

[G I F D Correction No 578(S R) dated the 1st *December 1945*]

(No. 813, dated the 28th November 1945)

No. 814.

Pages 365 366, Section IV, S R 150—

Substitute the following for this rule and the Note there under —

" 150 (1) The Chief Commissioner of the Andaman and Nicobar Islands may grant to any subordinate Government servant employed in the Islands other than a member of the Andaman and Nicobar Police Force a free passage to India for himself and his family on dismissal or retirement If a subordinate dies while so employed the Chief Commissioner may similarly grant a free passage to his family

(2) The Chief Commissioner may grant to a member of the Andaman and Nicobar Police Force a free passage to India for himself and his family on discharge dismissal resignation or retirement and a similar passage to his family if he dies while in service He may also grant to such a member, if he honourably quits the service or is discharged as a rejected recruit, railway fares for himself and his family from the port of disembarkation in India to the railway station nearest his home

Note—(1) For the purposes of sub rule (2), a member of the Andaman and Nicobar Police Force shall not be deemed to quit the service honourably who—

(a) *resigns*

(b) *is discharged as inefficient within his probationary period,*

(c) is dismissed,

(d) is compulsorily retired due to unsatisfactory service,

(e) is invalided, when invalidment is due to intemperance or neglect, direct or contributory

(2) Railway fares granted under the provisions of sub rule (2) shall be of the same class or, as the case may be, for the same class of accommodation as would be admissible to the member and/or his family under the provisions of Rule 141 A "

[G I F D Correction No 679(S R.), dated the 1st December 1945]

(No 814, dated the 28th November 1945)

No 815

Page 124, Section III, F R 9(6)—

Insert the following as item (23) of the Government of India's orders under this Rule —

" (23) *A telegraphist of the Indian Posts and Telegraphs* Department who is selected for promotion to the Telegraph Masters grade may, when deputed for practical training, be granted reasonable joining time (not exceeding three days in addition to the actual transit time) for the journeys to and from the place of training such period being treated as ' duty ' under Fundamental Rule 9(6) (b) (i) The pay to be drawn during this period shall be *restricted under Fundamental Rule 20* to the substantive pay actually drawn before joining the training class, unless special sanction of competent authority is accorded for the drawal of officiating pay, if any, during the period of transit "

(This amendment takes effect from the 1st January 1944)

[Financial Adviser (Communications') endorsement No S 166-3/45, dated the 3rd October 1945]

(No 815, dated the 28th November 1945.)

No. 816.

Page 110, Section III, F.R. 20—

Insert the following as item (11) of the Government of India's decisions below this rule :—

"(11) *See* item (23) of the Government of India's orders below Fundamental Rule 9(6), as inserted by correction slip No. 815, dated the 28th November 1945."

(*No. 816, dated the 28th November 1945.*)

No. 817.

Page 317, Section IV, S.R. 116—

Delete item (6) of the Government of India's decisions below this Rule.
[G.I., F.D., u/o No. 3590-R I/15, dated the 6th October 1945.]

(No. 817, dated the 28th November 1945)

No. 818.

Page 71, Section I, C.S. (C.C.A.), Rule 55—

Insert the words "or by a Court Martial" after the words "his conviction in a criminal Court" occurring within brackets in lines 4-5 of this Rule.
[Government of India, Home Department Notification No. 9/13/45-Ests, dated the 20th October 1945.]

(No. 818, dated the 28th November 1945.)

No. 819

Page 110, Section III, Fundamental Rule 9(4)—

Substitute the following for the words "the date on which he takes leave" appearing in line 13 of item (1) of the Audit Instructions below this rule :—

"the month in which the leave is taken".

(No. 819, dated the 28th November 1945)

OFFICE OF THE ACCOUNTANT GENERAL,
POSTS AND TELEGRAPHS,
Simla, the 28th November 1945.

H. BOSE,
Accountant General,
Posts and T...

LSGPPTAPH—23,331—13 41—GIP

EIGHTY FOURTH LIST OF CORRECTIONS TO THE POSTS AND TELEGRAPHS COMPILATION OF FUNDAMENTAL AND SUPPLEMENTARY RULES, 2ND EDITION (REVISED)- VOLUME I

No. 820.

Page 356, Section IV, S.R 199-

Substitute the following for the first line of clause (iii) of [illegible] (2) of the Government of India's orders below this rule :-

"(iii) Any Gazetted Officer or a Superintendent in the [illegible] A' Circle Office (Rs 300—450 old scale) [illegible] any officer in the selection".

[F.A. (C.s) endorsement No [illegible], dated the [illegible] November 1945]

(No 820, dated the 20th March 1946)

No 821

Page 412, Section II, S R. [illegible] (as inserted by correction slip No 11[illegible], dated the 28th January 1937)

Insert the following as a new entry in its proper place in the table below this Rule —

45 Jack Karachi [illegible]

[O I, I D, Correction No 550 [illegible], dated the 1st December 1945]

(No 821, dated the [illegible] March 1946)

No 822

Page 413, Section IV, S R. 2[illegible] —

Insert the following as item (2) of the Government of India's decisions below this rule, the existing entry as inserted by correction slip No 806, dated the 28th November 1945 being numbered as item (1) :—

"(2) A case arose in which an official holding a permanent season post in a substantive capacity from the 2[illegible]th April 1941, was appointed as a temporary 2nd grade clerk *in the 12 monthly grade* from 1st November 1941 to 31st March 1942, 1st November 1942 to 7th March 1943 and 20th March 1943 to 31st March 1943, during the off season periods the season commencing on the 1st April and ending on the 31st October each year. He was granted earned leave for 12 days from the 8th March 1943 to 19th March 1943. In this connection the following questions were raised :—

1 Whether the period of leave from the 8th March 1943 to 19th March 1943 taken during the off season, should count for increment in the seasonal post,

2 at what rate service in the 12 monthly post during the off season should earn leave, and

3 whether the leave earned by service in the 12 monthly grade during the off season, if not availed of during such service, should lapse automatically.

As regards the first question it has been held that under F.R. 12 A the substantive holder of a permanent season post acquires a lien on the post and under F.R. 26(b) leave counts for increment in the time scale

Price : Anna -|1|- *or* 1½*d.*

L2IPT&Ph.

No. 816.

Page 146, *Section III, F.R.* 20—

Insert the following as item (11) of the Government of India's decisions below this rule :—

" (11) *See* item (23) of the Government of India's orders below Fundamental Rule 9(6), as inserted by correction slip No. 815, dated the 28th November 1945."

(No. 816, dated the 28th November 1945.)

No. 817.

Page 347, *Section IV, S.R.* 116—

Delete item (6) of the Government of India's decisions below this Rule.
[G.I., F.D., u|o No. 3590-R.I.|45, dated the 6th October 1945.]

(No. 817, dated the 28th November 1945.)

No. 818.

Page 21, *Section I, C.S. (C.C.A.), Rule* 55—

Insert the words " or by a Court Martial" after the words " his conviction in a criminal Court" occurring within brackets in lines 4-5 of this Rule.
[Government of India, Home Department Notification No. 9|13|45-Ests, dated the 10th October 1945.]

(No. 818, dated the 28th November 1945.)

No. 819.

Page 116, *Section III, Fundamental Rule* 9(2)—

Substitute the following for the words " the date on which he takes leave" appearing in line 12 of item (1) of the Audit Instructions below this rule :—
" the month in which the leave is taken".

(No. 819, dated the 28th November 1945.)

OFFICE OF THE ACCOUNTANT GENERAL,
POSTS AND TELEGRAPHS,
Simla, the 28*th November* 1945.

H. BOSE,
Accountant General,
Posts and Telegraphs.

'II—29,533—5 3-46—GIP

EIGHTY-FOURTH LIST OF CORRECTIONS TO THE POSTS AND TELEGRAPHS COMPILATION OF FUNDAMENTAL AND SUPPLEMENTARY RULES, 2ND EDITION (REVISED)—VOLUME I.

No. 820

Page 356, *Section IV, S R.* 199—

Substitute the following for the first line of clause (iii) of item (2) of the *Government of India's orders below* this rule —

"(iii) Any Gazetted Officer or a Superintendent in the 'Grade A' Circle Office (Rs 350—450 old scale) or any officer in the selection".

[F.A (C's) endorsement No 102 o(1), dated the 21th November 1945]

(No 820, dated the 28th March 1946)

No 821

Page 419, *Section IV, S R* 294 *A*—(as inserted by correction slip No 172, dated the 28th January 1937)—

Insert the following as a new entry in its proper place in the table below this Rule .—

"45 Jask	Karachi	The actual number of days occupied in the transmission of mail letters at the time when the journey is made *plus* 8 days

[G I, I D, Correction No 580(S ll), dated the 1st December 1945]

(No 821, dated the 28 h March 1946)

No 822

Page 413, *Section IV, S R.* 286 *C*—

Insert the following as item (2) of the Government of India's decisions below this rule, the existing entry, as inserted by correction slip No 806, dated the 28th November 1945, being numbered as item (1) .—

"(2) A case arose in which an official holding a permanent season post in a substantive capacity from the 29th April 1941, was appointed as a temporary 2nd grade clerk *in the 12 monthly grade* from 1st November 1941 to 31st March 1942, 1st November 1942 to 7th March 1943 and 20th March 1943 to 31st March 1943, during the off season periods, the season commencing on the 1st April and ending on the 31st October each year. He was granted earned leave for 12 days from the 8th March 1943 to 19th March 1943 In this connection the following questions were raised .—

1. Whether the period of leave from the 8th March 1943 to 19th March 1943 taken during the off season, should count for increment in the seasonal post,

2 at what rate service in the 12 monthly post during the off season should earn leave, and

3 whether the leave earned by service in the 12 monthly grade during the off season, if not availed of during such service, should lapse automatically.

As regards the first question it has been held that under F R. 12-A the substantive holder of a permanent season post acquires a lien on the post and under F R. 26(b) leave counts for increment in the time scale

Price : Anna -|1|- *or* 1½*d.*

L21PT&Ph.

No 828

Page 374, Section IV, S.R. 170—

Substitute the following for the words "Secretaries to the Government of India" occurring in clause (v) of this Rule, as amended by item (i) of correction slip No. 144, dated the 25th September 1936 —

"Secretaries to the Government of India, the Secretary to His Excellency the Crown Representative".

[G I, F.D, Correction No. 580(S.R.), dated the 1st March 1946]
(No 828, dated the 25th March 1946.)

No. 829

Page 419, Section IV, S.R. 234-A— (as inserted by correction slip No. 172, dated the 25th January 1937)—

Insert the following in columns 2 and 3 against serial No. 43 in the table below this Rule, as inserted by correction slip No 7[illegible], dated the [illegible] June 1945—

" 3 Mastung 12 days

[G I, F D, Correction No 581(S R), dated the 1st March 1946]
(No 829, dated the 25th March 1946.)

No 830

Page 432, Section IV, S R 314—

Insert the following as Government of India's decisions below this rule —

"*Government of India's* [illegible] in Council has decided under S R 311([illegible] No. 747, dated the 5th June 1911) tha[t] [illegible] Government residence when the lessor is n[ot] [illegible] house rent allowance in lieu, but the lessee is so entitled, the rent payable by the lessor should be the rent payable by him if he had not sublet the residence, or the rent payable by the lessee if the residence had been allotted to him [illegible] Government otherwise than [illegible] rent, whichever is higher.

When a Government residence is sublet and the lessor and the lessee [illegible] the lessor is entitled to rent free quarters or house rent allowance the following procedure should be adopted in regard to the re[illegible] of rent —

(i) when both the lessor and the lessee are entitled to rent free quarters or house rent allowance in lieu, the lessor will pay to Government an amount equivalent to the higher of the two house rent allowances, and

(ii) when the lessor is entitled to rent free quarters or house rent allowance in lieu and the lessee is not so entitled, the lessor will pay to Government an amount equivalent either to the house rent allowance admissible to him or to the rent payable by the lessee if the house had been allotted to him direct by Government whichever is higher."

[G.I., F.D., endorsement No [illegible] dated the 14th August 1945]

(No 830, dated the 28th March 1946.)

No 831.

Page 124, *Section III, F R* 9(6)—

Insert the following as item (24) of the Government of India's orders under this Rule —

"(24) The period of training of the Telephone staff sent to the special training class in the office of the Electrical Engineer in Chief for undergoing training in Switch and Relay adjustment, and in the maintenance of Automatic Telephone Systems may be treated as duty under F R 9(6)(b)(i)

The time taken by the officials for their journeys from their headquarters to the place of training and *vice versa* shall not form part of the period of their training"

[Financial Adviser (Communications') endorsement No EsA 8|38(45)D, dated the 4th April 1939]

(No 831, dated the 28th March 1946)

No 832

Page 353 *Section IV, S R* 121—

(i) *Read* " 0 3 0 per mile " for " 0-2 0 per mile " occurring in item (2) of Government of India s decision below Note 2 to this rule as inserted by correction slip No 586 dated the 27th January 1942

(ii) *Read* " One anna and six pies for each mile " for " one anna for each mile " occurring in item (3) of Government of India s decision below Note 2 to this rule as inserted by correction slip No 679 dated the 28th May 1943

(These amendments take effect from the 1st June 1945 and will remain operative until further orders)

[Financial Adviser (Communications') endorsement No S R 249-9|44, dated the 26th June 1945]

(No 832 dated the 28th March 1946)

OFFICE OF THE ACCOUNTANT GENERAL,
POSTS AND TELEGRAPHS
SIMLA,
The 28th March 1946

S A VANESWAR,
Accountant General,
Posts and Telegraphs

L2IPT&Pb—90 30—10 6 46—GIPS

Eighty-sixth list of corrections to the Posts and Telegraphs Compilation of Fundamental and Supplementary Rules—2nd Edition (Revised)—Volume I

No 846

Pages 361—362, Section IV, S R 132—

Substitute the following for item (2) of the G I Decision below this Rule as inserted by correction slip dated the 1942 —

(2) In connection with the question of the payment of travelling allowance of officers recommended by the Provincial Governments for selection by the Government of India and called up to Provincial headquarters or the headquarters of the Government of India for interview by the Establishment Committee it has been decided that

(i) Travelling allowance for journeys to and from the Provincial headquarters or the headquarters of the Government of India should be allowed at the cost of the Government of India at such rates as are admissible according to Provincial rules,

(ii) The expenditure on this account should be debited to the Government of India, Secretariat of Executive Council grant

The Establishment Officer to the Government of India will be the controlling officer in respect of the travelling allowance of the officers who are invited for interview

[G I, F D Endsts No F 5(114) R I/41 dated the 9th December 1941 and No F 3(7) E II/46 dated the 4th September 1946]

(No 846 dated the 28th December 1946)

No 847

Pages 335—336 Section IV, S R 97 A—

Substitute the following for the existing clause (b) of this Rule —

(b) A member of the Executive Council of the Governor General when making a journey by air in a Government machine or in a machine chartered by Government for the purpose shall pay a first class full or half railway fare as the case may be to Government on behalf of each person not entitled to travel in the machine who may accompany him If a member of the Executive Council wishes to [illegible] Government machine or a machine [illegible] sanction of the Governor General [illegible] that no expenditure to Government is caused thereby

[G I, F D, Corrections No 588 (S R) dated the 1st September 1946 and No 591 (S R), dated the 1st December 1946]

(No 847 dated the 28th December

No 848

Page 21, Section 1, C S (C C A), Rule 55—

Insert the following as Governor General in Council's Rule —

Governor General in Council's Rule —

Rule 55 above shall not apply where it is proposed to order the dismi removal from service of any Government servant subject to the rule making c of the Governor General in Council on the ground of misconduct which b been committed outside India during the war period (that is, between th September 1939 and 31st March 1946) has been investigated by a Military co enquiry or other Military tribunal In every such case as aforesaid it sh sufficient for the authority competent to order the dismissal or removal from se of the Government servant to furnish him with a copy of the finding of the Mil court of enquiry or other Military tribunal on the basis of which it is propose take action against him and give him in accordance with sub section (3) Section 240 of the Government of India Act, 1935, a reasonable opportunit showing cause against that action"

[Government of India, Home Department, Notification No. 7/1/46 Ests, da the 23rd May 1946]

(No 848, dated the 28th December 1946)

No 849

Page 195, Section III, F R 54 (as substituted by the correction slips No 116, dated the 27th July 1946 and No 150, dated the 28th October 1936)—

After the word 'permitting' appearing in the 2nd sentence of the Government of India decisions (1) below this rule *insert* the words 'a revising or

[Government of India, Finance Department, Endst No F 2(4) E III/46 dated the 20th September 1946]

(No 849, dated the 28th December 1946).

322 *Section IV, S.R 73—*

Insert the following as item (5) of Government of India's decision below rule —

r at Delhi or Simla may be drawn on
f of the Government of India and the
are located at Simla or Delhi —

(i) A Government servant may not draw daily allowance for a period in excess of 90 days in all for halts on tour in *Delhi* or Simla in each half year reckoned from the 1st April to the 30th September and the 1st October to the 31st March

(ii) For each continuous halt on tour exceeding 10 days daily allowance will be admissible —

(a) at the full rate for the first 10 days

(b) at ¾ of the full rate for the next 20 days and

(c) at ½ of the full rate thereafter

provided that the total number of days in any half year for which daily allowance is drawn does not exceed 90 days

(iii) A halt on tour shall be treated as continuous for the purpose of clause (ii) of these orders unless interrupted by absence on duty for a period of not less than 7 nights

(iv) A halt commencing in one half year and extending into the next shall be treated as continuous for the purpose of the rates permissible under clause (ii) of these orders The duration of such halt falling within each half year shall count towards the maximum period of 90 days laid down in clause (i of these orders *[In a case however in which a halt commencing in one half year during which the Government servant had already drawn daily allowance for 90 days extends into another half year the period if any falling in the first half year during which he could not draw any daily allowance will subject to the provisions of clause (iii) above be treated as an interruption for the purpose of determining the rate of daily allowance during the second half year

[* This addition to clause (iv) takes effect from the 1st April 1945]

(v) No daily allowance may be drawn during periods of leave of any kind (including casual leave) taken while on tour Such periods shall not be included in the calculation of the total period of 90 days under clause (i) above

(vi) Inferior Government servants will be entitled to daily allowance at the full rate throughout periods of tour and the restrictions in clauses (i) to (v) above do not apply in their case

[Government of India Finance Department Office Memorandum No D 2998-W IV/43 dated the 11th December 1943 as amended by the Government of India Finance Department Office Memorandum No F 6 (10) R I/44 dated the 3rd December 1945 2nd February 1946 and 4th September 1946]

(No 850 dated the 28th D

No. 853.

Page 373, Section IV, S.R. 167—

Number this Rule as sub-rule (a) and insert the following as sub-rule (b) ...

"(b) In circumstances similar to those mentioned in sub-rule (a) ... Members of the Executive Council of the Governor General ... ordinary first class compartments."

[G. I., F. D., Correction No. 5...(S. R.), dated the ...

(No. 853, dated the 28th December 1946.)

No. 854.

Page 336, Section IV, R.S 101 (as amended by correction slip No. ... 18th April 1941)—

Substitute "under rule 167 (b), 170 or 171" for the words "under ... or 171" occurring in line 2 of this Rule

[G. I., F. D., Correction No 590(S.R.), dated the 1st December 1946.]

(No. 854, dated the 28th December 1946.)

No 855

Page 336, Section IV, S R. 97-B (as inserted by correction slip No. 852, dated the 28th December 1946

Insert the following as Audit Instruction below this Rule.—

"*Audit Instruction*.—For facility of audit, it should be made clear in the travelling allowance bills of the Honourable Members that the actual travelling expenses drawn for the day of departure from or arrival at a place of halt do not include any such expenses incurred during that day before departure from or after arrival at the place of halt in respect of which the half daily allowance is drawn."

[Correction No. 89 to the Manual of Audit Instructions (Reprint)]

(No. 855, dated the 28th December 1946)

No 856.

Page 69, Section II, F R 56—

Insert the following as clause (d) of this Rule on this page —

"(d) Notwithstanding anything contained in clauses (a), (b) and (c), a Government servant under suspension on a charge of misconduct shall not be required, or permitted, to retire on reaching the date of compulsory retirement, but shall be retained in service until the enquiry into the charge is concluded and a final order is passed thereon by competent authority"

[G. I., F. D., Notification No. F (2) 6 Est. V/46, dated the 6th Nov...

(No 856, dated the 28th De...

No 851

Pages 323, Section IV, S R 74—

Insert the following as Government of India's decision below this Rule –

"*Government of India's Decision* – In connection with a case in an officer after full 31 days of halt on duty at an outstation proceeded on on average pay for 26 days and directly on the termination of leave resumed at the same halting station and remained there on halt for another 8 days, Government of India have decided that for the purpose of S R 74 (b) absen leave is not absence on duty' and should not be regarded as an interrupti halt but the whole period of 65 days (31+26+8) should be treated as one c nuous spell of halt, leaving out the 26 days of leave from the calculation of allowance"

(G I, F D U O 4565 E IV/46, dated the 1st August 1946 to the A C. R, received under G I, F D, U O 5104 E IV/46, date the 31st August 194

(No 851, dated the 2nd December 1946)

No 852

Page 336, Section IV, S R 97-B—

Insert the following new Rule in its proper place on this page —

"97 B (1) Subject to the provisions of sub rule (2) of this Rule, the Hon Members of the Executive Council of the Governor General will be entiled to dr daily allowance during their halts on tour at the following rates.—

(a) a daily allowance of Rs 30/-when they do not stay in their saloons, ai
(b) daily allowance of Rs 15/ when they stay in their saloons

Provided that on the days for arrival at and departure from the place of ha only half the daily allowance will be admissible, but no half daily allowance will admissible in respect of a place of halt from which an Hon ble Member departs on th same day as that on which he arrived at it or *vice versa*

The half daily allowance is admissible in addition to the actual travellin expenses which an Hon'ble Member may claim in respect of travel on that day out side the place of halt before arrival at the place of halt or after departure from it r under Supplementary Rule 101

(2) For each continuous halt on tour exceeding 10 days, daily allowance will lmissible

(a) at the rate specified in sub rule (1) above, for the first 10 days,
b) at three fourths of those rates for the succeeding 20 days, and
(c) at half of those rates thereafter

(3) A halt on tour shall be treated as continuous unless terminated by an absence at a distance from the halting place exceeding five miles for a period includ ing not less than seven nights"

(G I, F D, Correction No 590 (S R), dated the 1st December 1946]

(No 852, dated the 28th December 1946)

No 857

Page 199, Section III, F.R 56—

Insert the following as clause (d) of this Rule on this page.—

"(d) Notwithstanding anything contained in clauses (a), (b) and (c), a Government servant under suspension on a charge of misconduct shall not be required or permitted, to retire on reachineg the date of compulsory retirement, but shall be retained in service until the enquiry into the charge is concluded and a final order is passed thereon by competent authority"

[G I, F, D, Notification No F. 6 (2)-Est V/46, dated the 6th November 1946]

(No 857, dated the 28th December 1946)

OFFICE OF THE
Accountant General,
Posts and Telegraphs
Simla, the 28th December 1946

S A VANESWAR
Accountant General
Posts and Telegraphs

'7 1 47—15,830 - (15/20)

[illegible]

[illegible] ELEVENTH LIST OF [illegible] [illegible]
[illegible] AND COMPILATION [illegible]
SUPPLEMENTARY RULES [illegible]
VOLUME I

No [illegible]

Page 578, Section [illegible] —

Insert the following [illegible] below this rule, the existing [illegible] dated the 20th December [illegible]

"(2) The Governor General in Council has [illegible] of Posts and Telegraphs, Karachi, to travel by air between [illegible] and Quetta, whenever necessary in the interests of [illegible]

[Financial Adviser (Communications) endorsement No [illegible] dated the 2nd November 1946]

(No 858, dated the [illegible] January [illegible]

No 859

Page 10, *Section I*, *C S (C C A) Rule* 24—

Delete the Secretary of State's decision below this Rule

(No 859, dated the 28th January 1947)

No 860

Page 11, *Section I*, *C S (C.C A) Rule* 25—

Insert the following as Secretary of State's decision below this Rule—

"*Secretary of State's decision*—The Secretary of State in Council has held that the performance of the duties of a post borne on the cadre of an All India Service by an officer of that service in addition to his other duties is tantamount to leaving the former post un filled within the meaning of C S (C C A) Rule 25"

[G I , H D , letter No F 36|35 Ests , dated the 15th June 1935.]

(No 860, dated the 28th January 1947)

No 861

Page 34 *Section II*, *F R* 9(21)—

Insert the following as Secretary of State's orders under this rule —

"*Secretary of State's orders*—Language pay is not included in the definition of pay in the Fundamental Rules but has been declared to be pay by the Governor General in Council in exercise of the powers conferred upon him by Fundamental Rule 9(21)(a)(ii) [Item (2) of the Government of India's decision below F R 9(21) in Section III of this Compilation] By virtue of Section 276 of the Government of India

Price Anna 1 *or* 1½*d*

No. 866.

Page 374, *Section IV S.R.* 168—

Insert the following as a new entry in the list of officers below S R. 168 —

"(g) The Hon'ble the Resident for the Eastern States (for extensive tours only).

Note—This includes official visits to Mayurbhanj State"

[Government of India, Finance Department, Correction No 593(S R), dated the 1st December 1946].

(No 866, dated the 28th January 1947)

No 867.

Page 341, *Section IV, S R* 114—

Substitute "medically" for the word "mentally" occurring in the 1st line in para 3 of item (5) of the Director General's Instructions below this Rule, as inserted by correction slip No 782, dated the 28th December 1944

(No. 867, dated the 28th January 1947.)

OFFICE OF THE ACCOUNTANT GENERAL,
POSTS AND TELEGRAPHS,
Simla, the 28th January 1947

S A VANESWAR,
Accountant General,
Posts and Tel